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THE
Treatment of Political Prisoners
IN
IRELAND,

WITH INTRODUCTION

BY

SIR CHARLES GAVAN DUFFY.

E. DWYER GRAY.

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COMPILED AND ARRANGED BY

E. DWYER GRAY

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SIR CHARLES GAVAN DUFFY

PART I.—E. DWYER GRAY.

PART II.—M. M'DONNELL BODKIN B.L.

PART III.—T. M. HEALY, B.L., M.P

PART IV.—THE INTERNATIONAL PROTEST—

(Comprising opinions from United States, Canada, France, England, and Ireland.)

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H. K. Hayes Esq
Attorney

Compliments
Wm. A. Walsh

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Ottawa,
May 1890.

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P R E F A C E .

THE letters which lately appeared in the *Freeman's Journal* from various countries, upon the subject of the Treatment of Political Prisoners in Ireland, attracted considerable attention. It seemed to me a pity that a protest, so representative in its character, should remain buried in the files of a newspaper. I, therefore, resolved to reprint the whole correspondence in pamphlet form. But it was suggested to me—and the suggestion seemed to me to be a wise one—that the full importance of the extraordinary communications, with which I was honoured, would not be appreciated unless there was placed side by side with those communications, a plain statement of the facts, connected with the system, that had met with such universal condemnation. Mr. Balfour's defence of that system in Parliament and elsewhere has been extremely weak. But the absolute futility of his defence of the position he has assumed in regard to political prisoners in Ireland since the Coercion Bill became law, becomes fully apparent only when that position is considered in the light afforded to us by English law and precedent, no less than by the custom of foreign nations. The pamphlet, therefore, is divided into four parts. I have myself dealt with the historical and constitutional aspect of the matter. The chapter headed "The Question Constitutionally Considered" is practically nothing more than a mere compilation of materials first published in a remarkable series of articles from the facile pen of Dr. Sigerson, which ran through the columns of the *Freeman's Journal* during the earlier months of this year. Nearly all my quotations and references, and certainly a very large proportion of the arguments used in Part I., are borrowed, if I may so speak, from Dr. Sigerson, who, as is well known, was a member of the late Royal Commission on Prisons. Dr. Sigerson, I believe, proposes to issue his articles *in globo*. They will be published by Messrs.

Keegan Paul, Trench, & Co., London. I would earnestly recommend his book, no less on account of its literary merit than because it will contain much valuable information which space necessarily prevents me from transferring to these pages.

I am indebted to Mr. M. M'Donnell Bodkin, B.L., of *United Ireland*, for the lucid and able contribution on "The Incidents of the Last Three Years," which forms Part II. of this pamphlet. Mr. Bodkin's clear narrative of the events, which have given rise to the agitation against the present prison system, will be read with interest by all those who are acquainted with the manner, in which he discharges his important literary labours in connection with the Press.

Mr. T. M. Healy, M.P., whose kindness in these matters is proverbial, kindly consented, at the cost of much time and trouble, to collect and arrange together Mr. Balfour's various speeches during the course of the different debates in Parliament on the subject of the treatment of political prisoners in Ireland.

Part IV., perhaps the most important portion of the pamphlet, consists principally of a reprint of all the letters published in the *Freeman's Journal* under the title of "The International Protest."

Some of these letters were addressed to me personally; others to friends, who kindly aided me in their collection; others, again, were directed to the Editor of the *Freeman's Journal*. A large portion of the latter, which were principally from the United States, were addressed simultaneously to the *Freeman's Journal* and to the *Boston Pilot*. I leave the letters, as a whole, to speak for themselves.

One word more. There is no man in all history, who better exemplifies the success, which innate ability will always command, than the eminent Irish-Australian statesman, who has favoured me with a short introduction to this pamphlet. He passed from a convict's cell to the premiership of, what some would call, the greatest of Great Britain's colonies. Sir Charles Gavan Duffy is one of Ireland's noblest and most illustrious sons. The hero of heroic times, he has traditions entwined around his name, which no patriot of modern times can claim. In far Australia, as in Ireland, his name is honoured as that of a man pre-eminent in ability, energy, and patriotism. It is encouraging to have in the present crisis, the

warm support of the last survivor of O'Connell's companions in Richmond Bridewell.

While Sir Charles Gavan Duffy may be said to link the old days in Ireland with the new, we must not forget that he typifies also the sympathy of Australia for "a people rightly struggling to be free." Ireland is a grateful country. She will not forget the incalculable services done in her cause by the criminal of '44 and '48.

E. D. G.

PEMBROKE HOUSE, UPPER MOUNT STREET, DUBLIN.

August 3rd, 1889.

INTRODUCTION.

THE correspondence collected in this volume, under the title of an International Protest, forms, it seems to me, one of the most curious and significant State papers of recent times. Eminent men in a responsible position, are slow to pronounce judgment on the policy of a foreign State, or the conduct of a foreign statesman. It is only an exceptional and exasperating case, indeed, which elicits or justifies such interference. But the treatment of political opponents in Ireland, by the Government of Lord Salisbury, has moved the frank indignation of such an array of conspicuous men, as probably never before pronounced on a contemporary transaction in another country. The Secretary of State for Foreign Affairs is in a better position than any one to estimate what has befallen him, when ministers and ex-ministers, leaders of Government and Opposition, senators and members of the Civil Service, in foreign and independent legislatures, and executives, break through all restraint of etiquette and diplomacy, and tell him that he has acted shamefully, and has neither the example of civilized nations, nor the supreme necessity which overrides all law, to justify what he has done. He has outraged the feelings of Europe and America, and called forth the protest, not only of foreigners, but of men of his own race and blood, who tell him that he has made them, for the first time, blush for their country.

"If Englishmen," says a Senator of the United States, "do not feel degraded by such outrages, the people of America will be ashamed of their ancestors."

"I feel the disgrace," says another Senator, "as though I were an Englishman, and resent it as though I were an Irishman." "It belongs," says an ex-Attorney-General, speaking of this policy, "to another and much darker age than this, and no fair means

should be spared to frown it out of existence." "It is inhuman, it is uncivilized, it is unchristian," says the Governor of Nebraska; "It is as much a relic of barbarism, as the lash and the stake," says the Governor of Washington. A dozen leaders of opinion in the States echo these sentiments. They are well entitled to be heard on the subject, these leading men of a nation, who did not doom one political prisoner to death for an insurrection of unexampled vigour and endurance. Lord Salisbury, indeed, has caused the death of more political opponents, by justifying the order of one of his subordinates, "not to hesitate to shoot," than fell in the United States since the Republic was created, except in actual war.

The Dominion of Canada, under the British flag, is not less ready to lift up its voice, than the confederated Commonwealths of the great Republic.

An ex-Minister tells him that his method of treating men who serve with him in the Parliament of the United Kingdom, "pains and affronts the sensibilities of civilized men throughout the world;" and nearly a score of witnesses of Consular rank, or high individual position in the same great State, bear like testimony. He has roused not only the orator and administrator, accustomed to the public arena, but the novelist and the poet in their silent retirement. The gentle Quaker poet, whose writings are familiar to the whole English-speaking race throughout the world, tells him that his policy has been "inexcusably harsh and brutal." Howells, the least sensational of all eminent writers of fiction, joins the cloud of witnesses. "To abhor such atrocities," he declares, "seems to me as simple, as natural, and as normal as to breathe." Their *confrère*, Dana, thanks God that nothing in our day can be compared with such policy; and thanks God again, that in the operation of His providence, it cannot long be continued. Ecclesiastics of various nations, and all ranks and all Churches, among whom Wesleyan ministers and the pastors of Highland congregations are notable, are heard on the same side. The Wesleyan minister of Ontario, Canada, tells us that a widely-extended acquaintance with the opinions and feelings of the people, convinces him that this inhuman system "is doing every day more to multiply the friends of Home Rule than any other one thing since the agitation began."

Mr. Balfour, a Scoto-Canadian member, warns his namesake in Westminster that—

“No Government could exist in Canada for a day that would attempt to treat political prisoners—especially representatives of the people—as common felons. Were a tithe of the oppression attempted here that is carried out in Ireland, nothing could prevent our people rising *en masse*, and by open rebellion resenting the indignities, and meting out proper punishment to their oppressors, in whatever office or situation in life they were found.”

When men of character and position, who have no personal interest at stake, speak with such emphasis, it is not rash to assume, that there is a grave scandal to be repressed.

We do not speak of Irishmen, though in every place in the world where they have won success, they arise to denounce this system; but *we* are Hottentots, and do not count. It is not without a certain satisfaction that we find the author of that gracious epithet, slapped in the face by the rude hand of Paul de Cassagnac, who finds the treatment applied to Irish political prisoners *absolument ignoble*. This consensus of European and American opinion will, perhaps, teach the Prime Minister that he cannot make a Siberia in Ireland with impunity. The foreign policy of Lord Salisbury has been represented as a substantial strengthening of the Empire, but a domestic policy which provokes this out-spoken contempt from foreign statesmen and publicists, will scarcely contribute to that end. Whatever it strengthens, it will not be the administrators who are responsible for it. A Conservative government was trodden down, because of its secret or avowed approval of the Bulgarian atrocities, and when the English people come to understand the Irish atrocities, they will, it may be hoped, punish the aggressors in the same decisive fashion.

These foreign witnesses are not deluded by the impudent pretence, that the prisoners in Ireland are not political prisoners. They recognize them as reformers labouring to abate public grievances; as patriots aiming to lift up their country from depression and ruin; as opponents of great wrongs needing to be faced by determined men; and this is the type of the political prisoner from Sir John Eliot down to Beranger and O'Connell.

The practice of modern nations has been so exhaustively treated

by Dr. Sigerson, that I refrain from alluding to it. He has demonstrated that there is nothing to be found among civilized mankind, resembling the system which Lord Salisbury authorizes and vindicates in Ireland.

Foreigners have caught sufficiently, it would seem, the general scope of political prison discipline in Ireland ; but it would contribute to a more exact and complete knowledge of the case, if a table were prepared specifying the precise offences charged against prisoners, and the corresponding punishments inflicted. They scarcely know, I fancy, that supplying food to a starving family engaged in resisting ejection from land held by their predecessors, before Cecil, the first Lord Salisbury, lied and fawned for the favour of Queen Elizabeth, is a crime punishable like larceny ; or that hurrahing for a popular man or a popular policy, at times not approved of by the police, carries as grave a penalty as rioting or pickpocketing.

I have spoken only of one chapter in this book, because I happen to have had no opportunity of examining the others ; but the energy and capacity, which collected a multitude of skilled witnesses with such commendable promptitude, give assurance that no part of the case will be inadequately handled.

C. GAVAN DUFFY.

SHELBOURNE HOTEL,

DUBLIN, *August 2nd*, 1889.

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Part I.

THE QUESTION CONSTITUTIONALLY CONSIDERED.

THE whole controversy regarding the treatment to which Irish political prisoners have been subjected by the Government during the last three years, may be said to consist of a difference of opinion as to what answer should be given to two very simple questions: Are the Irish Crimes Act prisoners political prisoners, or are they not? If so, should they be subjected to a distinct method of treatment, or should they not? An adequate consideration of either question cannot be made without some trouble. We must scan shortly the pages of history. I shall endeavour to demonstrate that English law and precedent, and the practice of foreign nations, and the indications afforded us by international custom, recognize political offences, by directly sanctioning a distinction between them and criminal violations of the ordinary law. The matter to be first discussed is whether political offenders should be treated as common criminals or not? The answer to this question is, most emphatically, no!

Two questions
at issue.

The constitution of the country is based upon the good will, and framed for the benefit of the community as a whole. All reforms have been the result of the expression of opinion of what, must, at one time, have been a minority of the community. This is a self-evident fact. When this minority, or portion of the community, declares that a grievance exists, which it cannot otherwise than by forcible effort get rid of, "it must, ostensibly, at least, be aiming for the benefit of the community." (Geo. Sigerson, M.D., *Freeman's Journal*, 25th Feb., 1889). It thus often happens that the efforts of the minority are successful, and the reform suggested, in being adopted by the majority, becomes a corner-stone of the constitution. To treat, then, as criminal, efforts, directed against the established constitution, or organized with the intention of bringing about a reform in any question affecting the community at large, is to stamp as criminal, views, which in a short time may come to be entertained by the whole community, and consequently becomes merged in the law of the land.

Opinions of mi-
nority may be-
come opinions
of majority.

Offences against
public order.

How admirably these arguments adapt themselves to the case of Irish Members of Parliament and Crimes Act prisoners, can be seen at a glance.

"Offences against public order (except certain offences) being liable to the fluctuations of the public judgment—which is the final court of appeal—stand in a different category from those ordinary crimes against persons and property which all the civilized world regards with the same eyes, because their predominance would mean the disintegration of the community and the destruction of all social life. It is on this ground, and not on the personal motive, that the distinction must be made, for the motive of a thief or a burglar might be merely to procure food for his hungry friend or family, whereas a politician might even profit by his conduct without altering the ethical aspect of the main question."—Dr. Sigerson, *Freeman's Journal*, 25th Feb., 1889.

Unjust to treat
misguided patriots
as criminals.

It is perhaps unnecessary to point out how morally unjust it is to condemn to a common degradation the misguided patriot, if you will, and the common criminal. In the case of members of Parliament, and men accustomed to literary or intellectual pursuits, the injustice done can hardly be measured. In this connection I can scarcely do better than again quote Dr. Sigerson :

"At exercise and at chapel he (the common criminal) is in the midst of his equals—sometimes even of his superiors in crime—for whom he may have a perverse respect; in association he is in his element, and enjoys their companionship, so far as he may, and profits by their sympathy. Plunge into the same category an educated, high-principled man, guilty of a political offence, and everything changes for the worse. It is no longer a question of simple detention, but of imprisonment, with moral, intellectual, and physical suffering superadded. He is compelled to recognise inferiors as task-masters, to perform hard labour, to which he is neither accustomed nor adapted, instead of the work familiar to him, on fare which seems coarse and disagreeable. Worst of all, whilst he suffers from the loss of intellectual communion and mental exercise, by the insufficiency of books, the absence of friends, the impossibility of writing, he is forced into association with men whose presence is an offence, and whose language is too often outrageous. Nor is this view exceptional. Lord Justice Bramwell, in his evidence before the Commission appointed to inquire into the working of the Penal Servitude Acts, 1879, stated certain misgivings as to the unequal working of these Acts. 'There would be a terrible punishment,' he said, 'to any gentleman or person of what I may call the better orders, in the very association with the people he would associate with, when his nine months of separate confinement were over and he went to the works; but that does not affect the criminal class; they associate with their own equals, and men whose good opinion they are desirous of gaining by a repetition of the offences which have sent them there; they are fed, perhaps, not quite so well as they were out of prison; they are comfortably lodged; they are taken care of; they have some work to do, I believe not very hard; if they got their living honestly out of the prison they would have to work harder probably. What is the objection to it?'"

Lord Justice
Bramwell.

Political offenders
of low
social grade.

In the case of political offenders of a lower social grade, the objections to equality of treatment have not, of course, the same force. Nevertheless, it would be manifestly unjust to set up a class distinction in this matter. An offence against an enactment such as the Coercion Act is only an offence against a special public regulation. It implies no moral degradation, and involves no loss of self-respect on the part of the offender. His offence is of quite a different character to those committed by the criminal classes. It may be safely said that any honest man, no matter how poor,

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convicted of an offence which is not morally lowering, must resent association with prisoners whom he regards as morally corrupted. It is a dangerous thing for the State to subject such a man to Newgate influence. The ordinary criminal, on the other hand, will feel highly honoured by contact with a man who, even if mistaken in his principles, is clear in his own conscience. By enforcing common association, therefore, an injustice is done on the one hand, and an unmerited privilege granted upon the other. In other words, the man who has committed a crime against the moral as well as the municipal law is benefited by the transaction, whereas the political offender, who has only sinned against the municipal law, is directly injured by the practice.

The Commission presided over by the Earl of Devon, which sat in 1870, to consider the treatment of the Treason Felons of 1865, concluded its report in a remarkable manner. It actually went outside the term of its letter of instruction, to protest against the association of political prisoners with ordinary criminals, which had, contrary to the intention of Parliament, been enforced upon some of the aforementioned prisoners: "A further question was forced on our attention in the course of our inquiries," says the Commissioners, "though it does not fall strictly within the letter of our instructions. It is the question, whether prisoners, convicted of a crime so exceptional in its nature, that it has been thought right to modify prison discipline in their case, to a certain extent, might not, with advantage, be *more completely separated from the general body of convicts*. . . . We are led to the conclusion that the difficulties attendant upon the location and treatment of political offenders may, perhaps, be most readily and effectually overcome by setting apart, from time to time, a detached portion of some convict prison for prisoners of this class, and we recommend this subject to the consideration of her Majesty's Government."

The Report of the Devon Commission was confirmed by the Report of the Kimberley Royal Commission of 1878-79, which was appointed to inquire into the working of the Penal Servitude Act. Sir Richard Asheton Cross (now Lord Cross) was, at the time, Home Secretary. Evidence was taken, amongst other matters, as to the advisability of separating entirely political offenders from common criminals. A few extracts from the evidence given before the Commission by Captain Ducane, Chairman of the then Board of Directors of Convict Prisons, bears so closely upon the present controversy as to be worth reproduction:—

Chairman—"287—Would not the feeling of sympathy, which would naturally exist on the part of certain persons and classes, with prisoners convicted of treason-felony, seriously interfere with the carrying into effect of their punishment in the same manner as in the case of ordinary penal servitude prisoners? I think so."

And again:—

"292.—Does not the difference of the feeling, which exists generally towards men convicted of conspiracy against the Government, from the feeling which exists with regard to men who have committed an ordinary crime, almost necessarily require some difference to be made between them? I should think so."

The Devon Royal Commission on association with criminals.

Kimberley Royal Commission. Evidence of Captain Ducane

Captain Ducane's evidence.

Again :—

"293.—What would be clearly conducive to the end of all punishment, namely—the prevention of crime, and, collaterally with it, the reformation of the offender in the case of an ordinary criminal, might not have at all the same effect with regard to the particular class of offenders to which we are alluding? It might not. Putting men like those whose crime is not considered so very disgraceful under the same punishment as men whose crimes are considered disgraceful, is liable rather to raise the character of the other crimes, and to render less disgraceful the punishment."

"294—A penal servitude" (or an imprisonment) "sentence in the ordinary sense ought to be considered both a very severe sentence, and also a great disgrace? I think so."

"295. And it is not desirable that there should be any persons, in themselves not men of bad character, who should have a sympathy with persons so sentenced? I quite agree with that."

"296. But there is a liability of that occurring in the case of prisoners who may be called political offenders? I think so."

Report recommends separation.

The Royal Commission having thus, as Dr. Sigerson remarks, elicited—"That the confounding of political offenders with common criminals is injurious to discipline within the jail, whilst without it tends to destroy the deterrent effect of criminal sentences, reported in favour of complete separation of the two classes."

"Looking to the inconveniences," says the Report, "which have arisen in practice from the association of such prisoners with other convicts, we concur in this recommendation" (*i.e.*, the Devon Commission).

Lieutenant-Colonel Sir G. F. Ducane, Chairman of the Board of Directors, of Convict Prisons, went even further, and declared—"I should prefer having them" (political offenders) "in an entirely separate prison; if there were any men of that class, I should not put them into an ordinary convict prison at all."

Lord Mayo on association.

In 1868, Lord Mayo, then Chief Secretary for Ireland, referring to the "Press Prisoners" of that date (Richard Pigott and A. M. Sullivan), thus expressed himself in the House of Commons in regard to association :

"With regard to association," said Lord Mayo, "I cannot conceive anything which would be more repugnant to the feelings of these prisoners than that they should be obliged to associate with the other prisoners in the jail."

The International Protest.

Numerous other opinions of equal weight and authority might be quoted in denunciation of enforced association. The terrific indictment of the system, as carried out by the present Government, published in the pages of this pamphlet, show the drift of modern thought all over the civilized world on the subject.

Precedents at home, and foreign practice, useful in investigation.

The classification of prisoners according to the nature of their offences would, therefore, seem to be justified on merely general grounds. Nothing tends to throw more light upon the matters at issue, than an examination into constitutional precedent at home, and the practice of foreign nations, in regard to the question of the treatment of political prisoners. In doing

this we learn what kind of treatment we have a *right* to expect on behalf of that class of prisoners known to-day as the Irish Crimes Act prisoners.

In 1809 a gentleman named William Cobbet was imprisoned for an article written in a newspaper known as the *Register*. The article was manifestly treasonable. He was charged, however, on a minor indictment, convicted, and sentenced to two years' imprisonment, and to pay a fine of £1,000. What was his treatment in Newgate jail? Sir Henry Lytton Bulwer, condemning the sentence as excessive, notes that *no indulgences were granted*, and then proceeds as follows:

Case of William Cobbet, 1809, Press offender.

"In no portion of his life, indeed, did he show greater courage," writes Sir Henry, "in none did the better side of his character come out in brighter relief, than when, within the gloomy and stifling walls of Newgate, he carried on his farming, conducted his paper, educated his children, and waged war (his most natural and favourite pursuit) against his enemies with as gay a courage as could have been expected from him in sight of the yellow corn-fields and breathing the pure air he loved so well."—From *Historical Characters*, vol. II., 1868.

Now, let William Cobbet speak himself. His description of his prison treatment reads like a romance in these days of cast-iron uniformity of discipline.

Cobbet describes his treatment in jail.

"Book-learning," says Cobbet, "was forced upon us. I had a farm in hand; it was necessary that I should be constantly informed of what was doing. I gave all the orders, whether as to purchases, sales, ploughing, sowing, breeding—in short, with regard to everything, and the things were in endless number and variety, and always full of interest. My eldest son and daughter could now write well and fast, and I had with me—having hired the best part of the keeper's (i.e., the jail governor's) house—one or two besides, either their brother or sister. We had a hamper with a lock and two keys, which came up once a week, or oftener, bringing me fruit and all sorts of country fare. The hamper was looked for with the most lively interest. It brought me herbs and the like. Almost everyone sent me his or her most beautiful flowers, the earliest violets and primroses, and cowslips, and bluebells, the earliest twigs of trees, and everything they thought calculated to delight me. I had all the children with me. I had all the children with me," he adds, "turn and turn about. The paying of the workpeople, the keeping of the accounts, the referring to books—this everlasting mixture of amusement with book-learning—made me, almost to my own surprise, find at the end of two years that I had a parcel of scholars growing up about me, and long before the end of the time I had dictated my *Register* to my two eldest children."

Leigh Hunt was condemned shortly afterwards for an article of a similar nature.

Leigh Hunt, press offender.

We read—"I turned one of the cells along the empty corridor into a noble room. I papered the walls with a trellis of roses; I had the ceiling coloured with clouds and sky; the barred windows I screened with Venetian-blinds; and when my bookcases were set up, with their busts and flowers, and a pianoforte made its appearance, perhaps there was not a handsomer room on that side of the water. I took a pleasure, when a stranger knocked at the door, to see him come in and stare about him. The surprise, on issuing from the Borough and passing through the avenues of a jail, was dramatic. Charles Lamb declared there was no other such room except in a fairy tale."

It is unnecessary to quote further. The fate of a political prisoner was not, it is clear, in those days a very severe one.

Tithe War of 1828 similar to Land War of to-day.

The position of affairs in Ireland during the Tithe war of 1828-9 and following years, affords an exact parallel to the condition of things which is said to exist in Ireland to-day.

The people organized, held meetings, demanded reductions in the tithes, or refused altogether to pay them; auctions were impeded in hundreds; notices served upon tithe collectors, calling upon them to desist; ministers of the Church were warned, and if they persisted in pursuing what the people held to be an unjust course, their servants and labourers were ordered to leave their employment; violent affrays took place with the public, often with fatal results, notably at Carrickshock.

Boycotting in 1838.

The following resolutions were passed at a mass meeting held in the County Cork, early in June, 1838, to protest against the distraint of certain cows by the Rev. Dean Freeman, Rector of Rathcoormac.

"It is requested that no auctioneer will lend himself to the sale of cows distrained for tithes."

"It is requested that no person will purchase cows distrained for tithes."

"It is resolved that the citizens will have no intercourse with any person who aids in the sale of cows, distrained for tithes, an auctioneer or purchaser."—Barry O'Brien, "Fifty years of Concession to Ireland," vol. I., page 397.

That word, "resolve," is pregnant with significance. The resolutions, Mr. O'Brien states, had the desired effect. Neither auctioneers nor purchasers could be found to aid in the sale of cows distrained for tithe. The struggle was one between Catholic and Protestant. The policy of exclusive dealing was reduced to an art. The other side retaliated, and in so doing they were advised *mirabile dictu* by the *Dublin Evening Mail*! (O'Brien, vol. I., 399). Substitute landlord for Protestant minister, and change tithe-payer into tenant, and the position is not unlike that of to-day. In the one case the peasant paid tithe to a minister in whose religion he did not believe, and whose church he never entered. In the other, he pays rent-charges to a landlord who lives in London, and whose foot is never planted on Irish soil. The tithe system and the land system have both been systems of ascendancy. As one fell so will the other.

Case of Marcus Costello, tithe agitator, convicted of unlawful assembly.

In 1832 an anti-tithe meeting was held on the Three Rock Mountain. Mr. Marcus Costello, one of the smaller leaders of the movement then agitating the country, was indicted for attending what the jury found to be an *unlawful assembly*. The judge condemned him to eighteen months' imprisonment. The offence, as Dr. Sigerson observes, was in every sense analogous to those of recent occurrences. His "crime" was certainly not one bit more "political," yet his treatment in jail was in every respect identical with that which Cobbett and Leigh Hunt had experienced. Ireland, as I have shown, was violently agitated at the time. The disturbance was essentially similar to that which prevails to-day. Even

boycotting, which has been supposed by some to be an invention of comparatively modern date, was rife throughout the country. Yet Mr. Costello, convicted of an offence committed under practically the same conditions, and partaking of a nature exactly similar to those with which Irish Crimes Act prisoners have been charged, and under which they have been convicted and sentenced to prison cells, where they are subjected to all the worst forms of prison degradation, was treated as a political offender.

Precedent is said to form the backbone of the British Constitution. If we take precedent, therefore, as a guide, the incidents of the tithe war supply us with an answer to the two questions at issue. Are the Irish Crimes Act prisoners political prisoners? If so, should they be treated to a distinctive method of treatment, or should they not? Read in the light afforded to us by the system practised in 1828-40, the answer to both these questions must be found in an affirmative.

The treatment of tithe prisoners a precedent.

It must not be supposed that the law, even at that date, directly recognised the existence of political crime. That the law has never done, except indirectly. The importance of these extracts lies in the fact that they show that it was the constitutional custom to supply in practice what was defective in the law. Mr. Balfour's attitude on the question seems to show that in the silence of the law, there latent lay an element of danger, and that it would have been well had the principle of classification been expressly adopted by Parliament. Until Mr. Balfour came upon the scene it was scarcely necessary to do so in the case of political prisoners.

Law never recognized political crimes.

O'Connell was considered a criminal in the eye of the law as law. The Repeal prisoners were accused of being guilty of a foul and wicked conspiracy, of *unlawful assembly, and intimidation*, and various other heinous and immoral offences.

O'Connell a criminal.

"The gravity of their crimes was declared by the sentence, which directed that O'Connell should be imprisoned for twelve months, pay the enormous fine of two thousand pounds, and find security in ten thousand pounds to be of good behaviour for seven years, and to be imprisoned until the recognizances were completed. It matters not to the issue what the great majority of the Irish nation thought of O'Connell then, or the public at large now. In legal judgment he was a criminal of deep dye, caught and convicted after a long defiance of the law. Criminals also were his fellow-conspirators and accomplices, Messrs. John O'Connell, Gray, Duffy, Steele, Barrett, and Ray."—(Sigerson, *Freeman*, February 25.)

Nevertheless, in spite of their legal degradation, the treatment of the Repeal prisoners was extraordinarily lenient. Gavan Duffy continued to edit the *Nation*, while Messrs. John O'Connell and Ray contributed to it. Duffy and Gray took lessons in elocution, practised the art of fencing, and had horses in the yard to ride.

Treatment of Repeal prisoners reads now like romance

"The governor and the deputy governor," says Sir Charles Gavan Duffy, "were authorised to sub-let their houses and gardens to the State prisoners. Members of

Mr. O'Connell's family, and of the families of the other prisoners, came to reside with them; they employed their own servants; from the first day presents of venison, game, fish, fruit, and the like, began to arrive, and after a little they found themselves established in a pleasant country house, situated in the midst of extensive grounds, bright with fair women and the gambols of children, and furnished with abundant means either for study or amusement."

"Our immediate political associates came every day," he continues, "and the dinner-table was never set for less than thirty persons. O'Connell was a genial and attentive host, full of anecdote and badinage, while the ladies remained; and ready, when they withdrew, for serious political conference, or the pleasant carte and tierce of friendly controversy. A weekly bulletin was read in the Repeal Association from Richmond prison, which by degrees grew into something like a brief review of the political affairs of the week."

This extravagantly liberal treatment was due to a recognition of the political character of their offence.

Change of authority in prison administration no excuse for change of treatment.

It is futile to argue, that because the Dublin Corporation had at that time the control of Richmond Penitentiary, the treatment was in any way exceptional. It only corresponded with the traditional custom of Great Britain in regard to political offenders. The administration of the prison rules has since been transferred to bodies other than those which controlled them at the time, and up to a much later date. Because, however, the control is vested in new hands is no reason why the treatment of political prisoners should have become what it is to-day. *Not the slightest change in treatment was ordered or even suggested by any Act on the Statute-book of Parliament.*

What we demand.

We do not now, although we might in justice do so, demand that the political prisoners should be allowed to make prison life as pleasant as that led by O'Connell and his companions. But we do insist that they should be classed as first-class misdemeanants. As Sir Charles Gavan Duffy remarks in the letter which the *Freeman's Journal* published on the 25th July, 1889—

"It is not asked that they should hold virtual levées, or give daily entertainments to their friends, but that they shall not have a sentence of detention turned into physical and moral torture."

Treatment of Meagher, O'Brien, O'Doherty and M'Manus.

It would be superfluous, perhaps, to go into the matter of the treatment of Meagher, O'Brien, O'Doherty, and M'Manus. Duffy thus describes a visit he paid to them while in jail:—

"I found O'Brien labouring at the eternal task of his correspondence, and Meagher in a cell bright with scarlet cloth, which his books and manuscripts and a few portraits transformed into a pleasant study. M'Manus had got a box of tools and was manufacturing nick-nacks, and O'Doherty was busy with professional studies. The younger prisoners were in excellent, sometimes exuberant spirits."—(Four Years of Irish History, c. VI.)

Mitchel and the Treason-Felony Act.

The imprisonment of John Mitchel under the Treason-Felony Act of 1848 shows that the intention of Parliament in passing that Act was not to in any way alter the treatment to which political prisoners were subjected. At the time when the Crown and Government Security Act, or

Treason Felony Act, was passed, the condition of the Irish prisoners was governed by the 7th George IV., chapter 74 (31st May, 1826). The Treason Felony Act reduced certain offences which had previously been classified as treason to felony. On the other hand, certain offences which had been only seditious were made felonies. In various discussions previous to the passing of the new Act—

"The Ministers of the day set the question before the Legislature in such a light as to make it seem that offences, which in England would be amenable to the severest penalties of high treason, were in Ireland to be dealt with in a milder manner, more in consonance with the gentler lights of the age. There was nothing whatever said of any modification as regards the kind of imprisonment, nor is there any reason to suppose that any was intended. Members were doubtless familiar with the details of the imprisonment of Cobbett, Hunt, Costello, and O'Connell, and it must be assumed that they fully understood that this mode of imprisonment would be continued as regards men who practically came into the same category."—(Sigerson, *Freeman*, February 26.)

The condition of the ordinary criminal at that period does not much concern us. The Georgian Act made the wearing of prison clothes optional, that is to say, a prisoner could wear his own clothes if he had the means to maintain himself, a principle of class distinction long ago abandoned, but which Mr. Balfour would seem desirous to revive. The authorities seemed not to quite understand the bearing of the new Act upon prison discipline. At Newgate, says Mitchel—

Attempt to degrade Mitchel.

"A jailer came in with a suit of coarse grey clothes in his hand, 'You are to put on these,' he said, 'directly.' I put them on directly. A voice then shouted from the foot of the stairs, 'Let him be removed in his own clothes.' So I was ordered to change again, which I did."

He was sent to Spike Island on board a Government vessel. John Mitchel being a prisoner who could maintain himself, the attempt to degrade him by forcing him to wear the prison clothes was utterly illegal. Nevertheless, in Spike Island the same blunder was committed as in Newgate.

Treatment of Mitchel illegal.

"Mr. Grace" (the governor), "came into my cell with a turnkey. He had a suit of brown convict clothes in his hand, and said it was an unpleasant duty he had to perform, but that I must put on those clothes. I obeyed without remark."

The blunder was set right a couple of days later by a letter from the Castle, which directed the governor to allow John Mitchel to wear his own clothes, and to treat him differently from an ordinary felon.

A letter from the Castle.

"Presently Mr. Grace returned, and said he was glad to tell me matters did not promise to go so hard with me as he had expected, that he had a letter from the Castle, directing him to treat me quite differently from a common convict, to let me wear my own clothes, not to put me in irons," etc.—(*Jail Journal*, p. 31).

The Government, it must be acknowledged, is always the best interpreter of its own intentions. It evidently considered that there was nothing in the new Act which forbade them to subject John Mitchel to the same lenient treatment, which had always characterized the imprisonment of political prisoners; and this fact is evident throughout the whole narrative of Mitchel's subsequent treatment as a convict. It is highly

Mitchel, the convict, in Tasmania—Starting comparison

interesting and remarkably instructive to compare the treatment of John Mitchel in Van Dieman's Land, with the condition of the ordinary convict there. As far as actual law was concerned, it must be remembered, there was no special obligation to treat Mitchel otherwise than as an ordinary convict.

An absolute system of letting out convicts seems to have existed under the protection of the Transportation Act of 1824 (5th George IV., c. 84). The property of the transported felons was vested in the Government. The governor was empowered to assign the convict to anybody else, who could also assign him according to his inclination. The transported felons in Van Dieman's Land, were, to put it plainly, hired out to the colonists as slaves. John Mitchel was informed, upon landing, that positive instructions were received to treat him with consideration.

"A prison official handed me a communication from an individual styled 'Comptroller-General,' informing me that instructions had been received from the Secretary of State to allow me to reside at large in any one of the police districts I might select (except those already used as the dungeons of my friends), subject to no restriction save the necessity of reporting myself to the district police magistrate."—(Jail Journal).

Mitchel was allowed to roam over the Island of Tasmania practically whither he would. He found it hard to believe that he was not a free man.

"In vain I reflect," he writes, "that it is incumbent on me diligently to remember (as Mr. Gibbon says), now that I am, after all, in a real cell, hulk, or dungeon, yet—that these ancient mountains, with the cloud-shadows flying over their far-stretching woodlands, are but Carthaginian prison walls—that the bright birds, waving their rainbow wings here before me are but 'ticket-of-leave' birds, and enjoy only 'comparative liberty.'"

Will it be believed that Mitchel, the convict, had actually fellow-convicts assigned to him? That such was the case, however, may be seen by a perusal of his "Jail Journal."

Boycotting, a
weapon univer-
sally known.

Before leaving John Mitchel an interesting incident may be quoted, which proves that boycotting is a weapon universally known, and that its practice has not always been visited with the punishment meted out to it in Ireland. Dr. Sigerson thus tells the tale:—

"From time to time objections had been taken by the free colonists of countries, to which convicts were drafted against the continuance of penal settlements in their vicinity. They did not desire annual relays of ticket-of-leave men from Britain, but considered she should provide for her own convicts at home. In 1849 John Mitchel found the Cape in revolt against the reception of convicts who were carried by his vessel, the *Neptune*, but kept quite apart from him. The colonists, English and Dutch, established an Anti-Convict League, with a 'committee of vigilance,' to make it effective. They directed the most stringent blockade, or boycott, as it would now be termed, forbade the sale of anything whatever, not merely to the convict ship, but to all the men-of-war, and still further, to all and every person in the service of the Government, including the governor himself, and to anyone who might aid and assist them. Contractors stopped supplies. Banks and insurance offices refused to deal with anyone not pledged to non-intercourse. The captain of the *Neptune* walked into several shops, tried to buy a tobacco pipe, a glass for his watch, a fresh roll of bread, but in vain—they

would hold no intercourse.' No man could get lodgings, provisions, payment, or pasture, unless he could produce his League certificate. The Protestant Bishop of Capetown, Dr. Gray, who visited Mitchel, 'heartily approved of the Anti-Convict League.' to his delight. This non-intercourse league surpassed in rigour any that prevailed in Ireland during the Tithe War or since. It offended violently against the law, but there is no record of any of the criminals having been punished, not even the Bishop. The Government moved on the ship."

The Irish Political Prisoners of 1848 were the last enforced visitors to Van Dieman's Land; just as John Boyle O'Reilly was among the last batch of enforced visitors to Australia in 1867.

In 1853 transportation was abolished, and an Act to substitute other punishments in lieu of transportation was passed (13 and 17 Victoria, chap. 99). It was not, however, as we have said, until 1867 that transportation to Australia ceased. The Act established penal servitude as a substitute for transportation, and, upon the whole, the new Act considerably improved the condition of the ordinary criminal, as it did away with the old hulk system, and all its misery and wretchedness.

Transportation abolished by Penal Servitude Act.

The intermediate system was adopted in Ireland about this time. It is so well known as not to need explanation. To put the matter shortly, the intermediate system kept in view the Reformatory object of prison detention. This was as it should be—

The Irish Intermediate Prison system.

"For according to the testimony of Mr. Charles Burke, the chairman of the Irish Prisons Board, 'it is the duty and object of the prison officers to make unskilled labourers skilled labourers during their term of imprisonment, and to instruct prisoners so that they would be better informed going out of jail than coming in.' . . . 'Great numbers of men who before going into prison would be able to earn only a shilling a day are capable of earning five shillings a day after leaving the prison. And that is obviously an advantage to themselves and the State.'"

Mr. Charles Burke defines the duties of the State.

England never adopted the intermediate system, which eventually died out in Ireland, the number of prisoners not being sufficiently large to keep the system working. Nevertheless, the condition of the English felon was at this time extremely good. In 1856 an Act was passed relating, among other things, to a uniform prison dress. For reasons, however, which will be stated later on, it is extremely doubtful whether the provisions of this Act can be legally enforced in Ireland at the present time.

In the course of a single generation the severe and sanguinary punishments attaching to certain criminal acts had almost disappeared.

What ordinary criminals gained since 1800.

"In 1820 a boy of fifteen was hung at Newgate, and in 1821 eight boys under twenty got the same fate; whilst even so late as 1833 a child of nine was sentenced to death for breaking a window-pane and stealing twopence halfpenny worth of paint. He was reprieved. In the period of seven years, ending in 1821, there had been 7,683 persons sentenced to death in England and Wales, of whom seven hundred, less seven, were hung. The hangings of common criminals were carried on at the rate of nearly one hundred a year for seven years! In 1828 there were 1,526 persons sentenced to be hanged, of whom seventy were hanged. In 1831 there were 1,601 persons sentenced to death, of whom fifty-two were hanged,

or one each week. The Government was growing more tender-hearted. The last execution of a sheep-stealer happened in 1831, and in the next year the last execution for stealing letters. Then also was abolished capital punishment for cattle-stealing and for larceny from houses, and in 1833 for housebreaking. The last execution for forgery took place three or four years previously. In 1834 an end was put to hanging for sacrilege and letter-stealing. All these enactments worked manifestly a vast improvement in the fate of common criminals. But the severities of the hulk and transportation remained. An idea of these may be got from the information obtained, in 1838, that 151,000 lashes inflicted in one year in Australia and Van Dieman's Land. All that was improved away, almost completely. Besides, whilst a dozen years or so before the Fenian trials it had been common to read of sentences of seven years' transportation awarded to hungry men, who stole a few turnips, at the time of those trials no judge would have thought of giving seven years' penal servitude, nor perhaps seven months' imprisonment, for such an offence. Thus the common criminal had been granted immense improvements as regards capital punishment, as regards corporal torture, and as regards length of imprisonment. Finally, it was shown that it is considered to be the object and duty of the prison officials to raise him in the social as well as in the moral scale, to make the unskilled labourer a skilled artisan, who, owing to the advantage of technical training, can earn thirty shillings a week on leaving prison instead of the six he earned on entering. Then he has been able to save a certain sum during his prison life, small, but probably more than any surplus he would have saved outside, and philanthropic societies wisely add to it, and assist him to find work."—(Sigerson, *Freeman*, March 8).

Political offenders gained nothing in same period.

"During the same period, that is from the commencement of the nineteenth century down to its seventh decade, the punishment of political offences and the treatment of political criminals in jail had remained absolutely unaltered. In remaining unaltered it had relatively, of course, become more severe. As we have seen, political prisoners had hitherto been recognised as such.

First departure from constitutional custom unauthorized by law.

The first great departure from the constitutional custom took place in the case of the Fenian prisoners of '65. These prisoners were treated "as men judged guilty of similar offences were never treated before." Hitherto, political prisoners were criminal in the eyes of the law, but they were never classed as criminals when in jail. The leaders of the Fenian movement of 1865 were forced to undergo the same fate as common felons. In other words, they were subjected to the same system of treatment, the justice of which we question in regard to the Irish Crimes Act prisoners. *This change is the more remarkable, since it was in no way authorized by Parliament; no statute had authorized any change whatever in the system of the treatment of such prisoners.*

Prison Act, 1856, did not apply.

The Prison Act of 1856 was drawn up unfortunately in such a way that it was easy to juggle the meaning of the Act into a direct order by Parliament that political *misdeemeanants* should not be privileged. The Fenians, however, were not convicted as misdeemeanants, so that the Act could not apply to them (see page 21).

Change against all precedent.

"The change was made in direct contradiction of all precedent; and that contradiction was enforced against them in obedience to no enactment. It would be hard to parallel a divergence so great from long-established and

continuous custom. Indeed, if such a fluctuation had been common, the 'unwritten law' could never have possessed validity, nor that constitution which 'slowly broadened down from precedent to precedent' have obtained stability and state. To compel political prisoners to endure the fate of common criminals was not to equalize their lot, but the contrary. All the changes made in the criminal law and in the prison system had redounded to the amelioration of the condition of the common convict; this alteration, on the other hand, effected an immense detriment in that of the political prisoner."—(Sigerson, *Freeman*, March 8th.)

A certain amount of excuse may be made for the Government. Their position in Ireland was far more serious than in 1848. In 1848 the arrest of Mitchel, O'Brien, and others put an end to a purely physical force movement, whereas at the latter date there was a vast organization thriving not only in Ireland, but in the United States, whose strength could hardly be diminished by the confinement of some few of its leaders in Irish jails. Government excuse.

That the Government was wrong, however, in its action may, apart from the accumulated evidence afforded us by the precedents we have previously quoted, be proved very conclusively, by considering for a moment the treatment meted out to the political prisoners of 1798, under similar conditions. The Government were wrong.

"The case of the high treason prisoners of 1798, whose death sentences had been commuted, presented an almost exact analogy. The organization of the Military Society of United Irishmen was more formidable, absolutely and relatively, than that of the Irish Republican Brotherhood. Its numbers were greater, its members were better armed and accustomed to their use. A French invasion was incomparably more dangerous than any private incursions by American Fenians, whilst in Great Britain there were sympathetic societies—'United Englishmen' and 'United Scotsmen.' There was danger at home and abroad, and Pitt was everywhere denounced as the arch-enemy of freedom. He had, however, some well-marked constitutional habits, and these were carried into practice as regards his political prisoners. They were not sent to the hulks. The *Aston Smith*, transport, in March, 1799, conveyed the Dublin State prisoners to Belfast, where the Ulster State prisoners went on board, making nineteen in all, and then sailed for Scotland, where they were confined in Fort George."—(Sigerson, March 8th.) Political prisoners in 1798, treated well.

Dr. McNevin, one of the imprisoned men, gives the following account of his fellow-prisoners:—

"The several prisoners of Fort George had embraced some particular course of reading or study, to which they applied with far more assiduity than if they only read for amusement. Emmet applied himself to mathematics, or more properly, to algebra, in which he made signal proficiency, and to which he was so devoted that he employed the greater part of his nights in the study of the science . . . until the arrival of Mrs. Emmet and three of his children divided his attention. After this period Shakespeare was his favourite reading." How they were treated.

Nevertheless, the fact remains that in 1865 the Government boldly took the plunge, and, ignoring the custom of that "constitution which has broadened down from precedent to precedent," deliberately subjected political prisoners to the rules, drawn up to meet the case of ordinary criminals. The Fenians treated as criminals.

Effect of treatment.

The subjection of these men to strictly prison discipline, told upon them with awful effect. In two years, death claimed eight victims, whilst numerous others of the prisoners became afflicted with paralysis or insanity. The names of the dead were Lynch, MacGeogh, Fottrell, Stowell, Meagher, Kennedy, Kelly, and Harbisson. Of the others, Joyce, Burke, Sweeney, White, McFeely, and Barry, became afflicted with various forms of nervous disease. "These records of death, paralysis, and insanity, supply a striking indictment against the attempted treatment of political prisoners as common felons, on whom prison treatment wrought no such effect."

Fenians resented association.

The enforced association with common criminals was the wrong which perhaps the Fenian prisoners resented most.

"As I infer from the conditions on which the Commissioners will permit me to address them," said Brian Dillon before the Devon Commission, in 1870, "that they will not recognise moral grievances of this kind, I shall not dwell on this hardship, though I shall not, I trust in God, ever become so depraved and immoral as to forget it."—Q. 8, 129.

Dillon thus concludes his statements :

Dillon's statement before Devon Commission.

"In pointing out the treatment received at the hands of prison officials, it would be wrong to overlook the fundamental truth which underlies the whole, and which goes far to account for our exceptional treatment in convict prisons. It is found in the difference, morally and politically, existing between thieves and political prisoners. When the thief is tried, and his sentence passed, he comes into the prisons built for thieves, and is lost amongst the number of other prisoners whom he find, there before him. Inside the prison walls he is not persecuted because he was a thief outside; he is not punished if he keeps within the prison rules. The Irish political prisoner, on the contrary, enters the prison built for thieves, accompanied by rancorous and bitter feelings of hostility. Under the influence of political, national, and religious antipathies, the worst feelings of the human heart are perpetually quickening into acts of oppression and persecution against him. While the moral feelings of his jailers are too blunt, too sluggish, or too depraved to persecute a thief as such, their political hatreds and antipathies are being continually aroused by the actions of his party outside the prison walls. He is punished for his own offence in the past and theirs in the present. Manchester and Clerkenwell spoke from the frowning brows of our jailers. If the facts do not reveal exceptional treatment," he concludes, "it cannot be denied that they were eminently calculated to undermine the health of body and mind. I have no doubt of the gradual destruction of the former. The latter calamity I pray Almighty God to avert."

Dillon died shortly afterwards, another victim to the system of common degradation.

The jailers tried to make Dillon a bricklayer's assistant.

Penal servitude was framed for the common felon. Its conditions were so administered as to improve him, physically, mentally, and morally, to turn him into habits of industry, to offer him prizes for the development of his faculties, to teach him how to earn money, so that, when he left jail, he might occupy a higher social position than when he entered it. "The edge of the sword only was turned towards

the political prisoners." The incongruity was positively absurd. Take the case of Brian Dillon, who sweetly sang :

"When twilight, darkening into night,
Throws round my cell its sombre shade,
And thronging memories, sad or bright,
Slowly come and slowly fade;
Then, sweetly through my prison bars,
An old friend sings a song to me—
An old song from the far-off times
Of youth, and home, and liberty.

"Sing, Robin Redbreast, sing :
While listening to thy minstrelsy,
Through prison bars my soul will wing
To Ireland o'er the sea."

The prison system, one of whose chief objects it is to raise the unskilled criminal to the dignity of an artisan, *endeavoured to make Mr. Dillon, the patriot and poet, a bricklayer's assistant. Result—death of Mr. Dillon.* "The incongruity," says Dr. Sigerson, "was very marked, when a man like Mr. Davitt was yoked to a cart and compelled to draw stones."

"The political prisoners were thus put at a physical and industrial disadvantage, as well as subjected to moral suffering and intellectual privation—driven hopelessly downwards, whilst the common criminals were being drawn hopefully upward. Procrustean procedure is not a success. The attempt made to compel political prisoners to undergo the same treatment as ordinary felons resulted in making them suffer a different and worse treatment—the effort to produce equality produced inequality."

Mr. Disraeli having held the reins of office for nearly eight months, Mr. Gladstone assumed the government in the December of 1868, with Earl Spencer as Viceroy of Ireland, and Mr. Bruce, now Lord Aberdare, as Home Secretary. Dr. Sigerson states that Dr. Mulcahy assured him that from this moment a vast improvement took place in the treatment of the Fenian suspects. However that may be, a Commission was appointed in 1870, to investigate the whole matter. The Earl of Devon acted as chairman, the other members being Mr. George Broderick, Mr. E. De Vere, Dr. Greenhow, and the late Dr. Robert Lyons.

Gladstone appointed Devon Commission.

The letter of instruction received by the Commission was sent to them by Mr. Bruce, now Lord Aberdare. We print it side by side with Mr. Balfour's letter of instruction to his Committee of Inquiry in 1889 (see end of chapter). Mr. Bruce's letter of instruction is the more honest production of the two. The Devon Commission was appointed to inquire into the condition of the Fenian suspects, and it was ordered to do so. The treatment to which the Irish Crimes Act prisoners had been subjected gave rise to Lord Aberdare's Committee, yet throughout the whole letter of instruction, the phrase, Irish Crimes Act prisoners, does not occur !

The position taken up by the prison authorities in 1865 was this—

"These" (the Fenians) "are political prisoners. It is alleged that they have been treated with undue severity. We, on the other hand, declare that we have

The defence made by the prison officials in 1870.

made distinctions in their favour *because they were political prisoners.*"—(Dr. Sigerson, *Freeman*, March 18th).

The truth of this assertion may be found by a reference to the evidence given before the Committee. And here I may quote a few words more from Dr. Sigerson

This is Balfour's defence.

"From the language we hear from time to time, as to the identity of penal treatment which should govern political prisoners and common criminals alike, foreigners might imagine that to be the rule and practice of the realm. Many natives apparently are affected by this illusion. Now, if the case stood really thus, all that the prison authorities need plead as regards their treatment of the Fenian prisoners was simply this—'These men have been pronounced criminals by the law, and committed to our charge. No statute nor prison rule distinguishes them from other criminals, hence we make no distinction; all are criminals, and all are treated in the same manner.' But this was not at all the position taken up."

It will be observed that the latter position is the one taken up by Mr. Balfour. Looking at precedent, it is a very absurd position, indeed.

Small privileges had to be granted to Fenian prisoners.

As a matter of fact, although the general treatment of the Fenian suspects was similar to that of the ordinary felon, certain small distinctions were made *because they were political prisoners.* For instance, common criminals, as is well known, must have their hair and beard closely cropped. Now, in spite of the rigorous treatment to which Fenians were subjected, this rule was absolutely relaxed in their regard. I commend this fact to Mr. Arthur James Balfour. He has not considered it necessary to relax this particular portion of the rule, with regard to all his prisoners, though with curious inconsistency he has done so in some few cases. In support of my assertion that small privileges were granted in the case of the Fenian prisoners, I quote the evidence of Captain Ducane before the Commission—

"Has that concession been made in the case of other prisoners? Not through the whole of their sentence; certainly not. A short time before men (criminals) are to go out from prison they are allowed to grow their hair; but these men (treason felons) have been allowed to wear their hair all the time!"

The Devon Commission condemns the system.

The Devon Commission, as we have seen, recommended that the difficulties attending upon the location and treatment of political prisoners, or "men guilty of a crime so exceptional in its nature that it has been thought right to modify prison discipline in their case to a certain extent, may be most readily met by setting apart a detached portion of a convict prison for prisoners of this class."

The attempt failed

The attempt to treat the Fenian suspects as ordinary criminals failed. The treatment was barbarous in the extreme, such as no civilized country in the world, perhaps, except Russia, would have sanctioned for a moment. Nevertheless, certain relaxations had to be granted, and will inevitably have to be granted, wherever the attempt is made to treat political prisoners as common criminals. Both Royal Commissions condemned the system of cast-iron uniformity which, for the first time in Irish history, was introduced into our jails, and recommended the confinement of political offenders in a separate prison (see page 3). It is needless

to add that most of the Fenian suspects were released shortly after the report of the Devon Commission, according to the terms of the Amnesty granted by Mr. Gladstone.

The Chartist movement in England, in 1839 was, characterized by proceedings very similar to those which took place in the Irish Tithe war a few years previously. According to Lord John Russell, then Home Secretary, who, in August, 1839, addressed an official letter to the magistrates at Manchester, the offences then committed may be classified under four heads, of which three were as follows:—

The Chartist movement in England.
Extraordinary letter from Lord John Russell

"1st. Attempts have been made to obtain money from shopkeepers, householders, &c., by means of intimidation (as by threatening them with personal danger, or with loss of business, or threatening to mark them down and report them as enemies, and by various other illegal means). 2nd. Persons have been combining and endeavouring to injure shopkeepers, householders, and others in their lawful business, representing them as enemies of the people, and persuading others to leave off trading with them, thereby to prejudice them in their business. 3rd. Persons, in pursuance of an illegal combination, have gone about among the working class of the people, inciting and endeavouring to persuade them to desist from working, and desert their employers.

Boycotting in 1839.

These practices Lord John Russell considered "mischievous practices, which are contrary to law, injurious to trade, subversive of good order, and dangerous to the peace of the country."

Is not this like a leaf from a pamphlet of the I.L.P.U., describing the horrible state of affairs existing in Ireland at present?

Fergus O'Connor and Henry Vincent were two of the chief leaders of the great Chartist movement. Fergus O'Connor was committed to York jail. A petition was sent in from Yorkshire in which it was alleged that Mr. O'Connor was treated in prison as a common felon, and an opinion was expressed that such treatment would seriously injure his health, and that this was the first time that a political offence had been so dealt with in England.

Case of Fergus O'Connor, Chartist, alleged degradation of.

"When Sir F. Burdett was imprisoned for a like offence, he was allowed to supply his own food and bed, and to receive the visits of his friends; Mr. Leigh Hunt, Mr. Cobbett, and Mr. Montgomery, the poet, had the same indulgence."

The Under-Secretary, Mr. Fox Maule, declared that the Government were blameless. O'Connell asserted that if the statements made were true, a direct violation of the law had been committed. "Imprisonment" he said, "did not imply torture." Mr. Ward considered it highly unconstitutional that "a gentleman condemned for a political offence—a gentleman of acute feeling—one who had lately been a member of that House—should have been condemned to perform the most menial offices." *The Attorney-General declared that, although he had prosecuted Mr. O'Connor, no one would more deeply regret his persecution in jail.* In the House of Lords, two weeks later, Lord Portman was "sure that inciting to a breach of the peace was not such a case as their lordships would wish to see punished with such severity;" while the Marquis of Normanby boldly asserted that political offenders should not

Discussion in Parliament—unanimous condemnation of degradation

House of Lords.

be treated as felons, adding that "the previous habits of the individual made the enforcement of the strict prison discipline, a great increase of the severity of punishment, and, under the name of uniformity, they were making the most unequal punishment."

The Home Secretary interferes.

In the Commons, upon the same day, Mr. O'Connor's case was again under discussion. The Under-Secretary concurred in the opinion expressed that the treatment was cruel and unwarranted, and stated that the Home Secretary had written to the visiting justices, directing them *that it was proper to relax the rules..*

"Regulations of a personal description, such as those relating to dress, &c. (which, though convenient in the common run of cases, might in some cases be looked upon as personal indignities), might, in the opinion of Lord Normanby, be properly dispensed with in the present case." (May 24, 1840).

Lord Normanby's opinion.

Referring to the allegation that Mr. O'Connor had been associated with felons, Lord Normanby must suppose that that part of the statement is erroneous. "There ought," he said, "to be nothing of degradation or personal indignity in the treatment of Mr. O'Connor, nor anything which may operate with unusual and disproportionate severity with reference to his state of health and his former habits of life." (May 27, 1840.)

Bradford petition.

Lord Brougham presented a petition from Bradford to the Lords, June 4th, which declared that "if there were any truth whatever in these statements, and others of the same kind which had lately come before the public, there was cause for the deepest regret, and great danger of exciting that feeling so fatal to the design of all punishment; of indignation at the treatment of the offender instead of at his offence."

Lord Normanby explained that he had sent out directions on the subject. Lord Denham presented a petition, on June 5th, from Leeds, praying for a free pardon for Mr. O'Connor, in consideration of the torture to which it was stated he had been subjected. Lord Normanby then read out a statement from the chairman of the visiting justices, dated June 1st, which shows what effect the directions had upon the prison authorities—

Effect of Home Secretary's interference.

"Mr. Fergus O'Connor is not subjected to any indignities of the person. He does not scour out his room. He does not perform any menial office. He has had sheets offered him to sleep in, and he refused them. He occupies, to-night, and will continue to occupy, the best room on the felons side (*i.e.*, not on the debtors' side). He has tea and sugar, without restriction of quantity, twice a day. He has animal food at dinner and two glasses of wine. He is shaved daily, and has clean linen and towels when he wishes. There are no beds but those of iron stock and flock beds, of which flock beds he has four. He has a pillow, chair, and table. He eats and has eaten his meals in his ward by himself, the first day excepted. He has a large yard to exercise in. He has a bedroom and large hospital to himself. He wears his own clothes. He has not had any newspapers. He has not written or received any letters without the inspection of the governor."

Finally, on the 22nd, Lord Normanby stated that he was allowed newspapers and other publications.

At the Monmouth Assizes, 1839, Serjeant Talfourd prosecuted Mr. Henry Vincent. He was convicted upon the charge of having attended *sedition and unlawful assemblies*. While he was in prison a magistrate declared that—

Henry Vincent, Chartist, convicted of unlawful assembly.

"He was not subjected to the degradation of wearing the prison dress, or having his hair cut; in fact, he was subjected to as little painful treatment as possible consistent with the restrictive and safe custody of his person. Some question was afterwards raised with respect to the books he was allowed to read; and certainly he heard with some surprise that Henry Vincent was to be restricted to books merely of a religious character—he heard it with surprise, because he felt that such a restraint was not good for the mind of a young man, active and inquiring."

Serjeant Talfourd, the very man who had prosecuted Mr. Vincent more than once, applied to Lord John Russell, then Home Secretary, in connection with the books supplied to Mr. Vincent, and received the answer: "that Mr. Vincent would only be restricted from reading improper books, but not books of a miscellaneous character."

The Attorney-General who had prosecuted Vincent interfered.

At the next assizes, Mr. Vincent was convicted of the same class of offence. He was removed from Monmouth jail to Milbank, where we read "He was attired in prison dress, fed on prison diet, forbidden writing materials, and only allowed to correspond once in four months. In other words, he was subjected to the same treatment as the Irish treason-felony prisoners of a later date."

Second imprisonment of Mr. Vincent. Treated as a felon. Serjeant Talfourd protests.

Serjeant Talfourd, who had prosecuted him, protested. (There is a tip for Mr. Peter O'Brien.)

"Such discipline as this," he said, "was clearly inappropriate to the cases of persons committed for *political offences*, and it afforded a striking contrast to the kind of punishment formerly awarded, of which instances innumerable could be given. If political writers, they had been allowed to continue their political writings, they were allowed the use of books, and free communication with their friends—in short, the punishment which they received was confined solely to restriction on their personal liberty. There, he said, was the case of Sir Charles Wolseley, tried and convicted of conspiring to be elected the legislative attorney of Birmingham, who was confined in Abington jail, but was allowed, in his memory, to come out and listen to the trials. There was also the case of Mr. Lovett, proprietor of the *Statesman*, sentenced to be imprisoned in Newgate as the very harshest sentence which the judge could inflict, yet he was allowed to have a large room of his own—to have his proof sheets sent to him—to communicate with his friends, and to enjoy all the conveniences of life consistent with his deprivation of personal liberty. Then he added that he could not think it right that a change should be made in the condition and treatment of prisoners silently and without the intervention of the Legislature. This was a state of things, proceeded Serjeant Talfourd, which could not last. *The advanced state of the human mind required that punishment should be proportioned to the nature, as well as to the degree of the offence.*"

Opinion of Attorney-General on political offences.

Mr. Williams, of Monmouth, magistrate, declared that he was a warm advocate for the separation of political offenders from common criminals.

Discussion in Parliament.

Mr. Hume considered the treatment of Mr. Vincent had been "aggravated beyond all precedent in such cases, and was infinitely more calculated than any other course could have been, to create sympathy for him in the public mind."

Mr. Walkley thought that such treatment of political offenders was "extremely likely to produce great alarm in the public mind."

Mr. Aglionby said that such treatment would "create a popular sympathy much more dangerous than any the writing of Mr. Vincent could possibly produce."

The Home Secretary's action.

Both Whig and Tory joined in the protest. Lord John Russell, Home Secretary, hastened to allay the feeling. The imprisonment, he said, was more severe than the Secretary of State had ever contemplated. "There was certainly reason for making a change!" Lord Normanby proposed to alter the law so as to prevent the occurrence of such scandal, and proposed the advisability of remitting some of the term to which Mr. Vincent had been sentenced.

Lesson to be learned from cases of O'Connor and Vincent.

The cases of Mr. Vincent and Mr. O'Connor are instructive. In both an attempt was made to degrade political offenders. On both occasions the attempt failed, and the authorities were forced, by the strength of public opinion on the subject, to at once rectify the mistake."

"Thus," remarks Dr. Sigerson, "in the case of Mr. Vincent, as in that of Mr. O'Connor, where political offenders suffered treatment similar to that of common criminals—owing to the obscure operation of prison regulations—the Legislature, as soon as the matter was brought under its cognizance, condemned such confusion of classes, and the Executive authorities took immediate action to remedy it, and thought proper to make reparation, as it were, to the political offenders by abridging the term of their imprisonment."—(*Freeman*, March 20th).

Thus, in England, the first attempt to treat political prisoners as common felons failed, as it failed in Ireland in 1865, and as it will yet fail, it is to be hoped, in the case of the Irish Crimes Act prisoners.

Interference of Chief Secretary in prison administration, sanctioned by custom. Precedents.

Mr. Balfour has, over and over again, claimed that he could not interfere with the administration of the prison rules. If Mr. Balfour, however, took the trouble to study the question, he would soon have found out plenty of precedents which would sanction his interference. He must, therefore, be fastened with absolute responsibility for the treatment to which William O'Brien, and the other victims of his misgovernment in Ireland have been subjected. For instance, on the 3rd May, 1867, Lord Mayo, then Chief Secretary for Ireland, was asked a question as to the condition of the Fenian prisoners in Mountjoy Prison, based upon the Medical Report just issued. "Immediately," replied Lord Mayo—

"Immediately on receiving that report I ordered inquiries to be made, and the next day directions were given that certain relaxations of the prison rules should be made in favour of those persons. The relaxations amounted to this—That the time allowed for the exercise was doubled, the prisoners were allowed to smoke during the time they were taking their exercise, and they were allowed to walk with a companion."—(*Hansard*, vol. 186, col. 1,933.)

Johnston of Ballykilbeg in jail. Intervention of Lord Mayo.

Yet another example. On the 27th February, 1868, William Johnston, Esq. of Ballykilbeg House fame, was charged before Mr. Justice Morris, by the Attorney-General, with having acted in defiance of the law, by taking part in an *illegal procession* on the 12th July of the preceding.

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year. Mr. Johnston was liable, like all other political offenders, to be treated, according to the strict law, as an ordinary felon. No Act of Parliament had prescribed, as I have said, any change in the *custom* which regulated the treatment of political offenders. At that period, however, an attempt was being made, for the first time in Ireland, to infringe upon the ancient rule. Although Mr. Johnston was not treated as he should have been treated, and would have been treated, had he committed the offence a few years before, nevertheless, considerable relaxation was made in his favour. He was permitted, under Section 13 of the Prison Act, to wear his own dress (Mr. Johnston was sentenced to one month's imprisonment), he was kept entirely separate from ordinary prisoners, and was allowed to take his exercise apart. Writing materials were placed at his disposal, and he was permitted to correspond with his friends. He could receive visits at 10 o'clock in the morning, and 4 o'clock in the evening, for a quarter of an hour each time. On the 30th March, 1869, Colonel Ford asked that Mr. Johnston should be allowed to see his friends in private, and to take his exercise on parole through the jail ground. *Lord Mayo replied that "the ordinary regulations of the jail had been considerably relaxed in Mr. Johnston's favour, but, although it was not his province to interfere with these matters, he had written to the governor to intimate that no objection would be offered on the part of the Government to the relaxation of the rules of the jail."*

Mr. Johnston in jail.

Lord Mayo's action.

It is clear from the cases already cited, that Mr. Balfour had it in his power to make the treatment of the Irish Crimes Act prisoners what he liked. Why are not the relaxations granted in the case of Mr. Johnston, extended to the Crimes Act prisoners?

A question.

Mr. Richard Pigott and Mr. A. M. Sullivan were in prison in 1868. Mr. Pigott was convicted of publishing Fenian news and commenting thereon, offences not unlike those committed by some of the more prominent Crimes Act prisoners. Mr. A. M. Sullivan was charged with publishing seditious libels, some of them articles and some cartoons. The Prison Act of 1856, introduced by Mr. Horsman, transferred the power of superintendence from the Court of Queen's Bench to the executive. Under this Act, it would appear, that Mr. Pigott and Mr. Sullivan, and such offenders, might be treated as ordinary felons, if their jailers wished to take advantage of the unfortunate wording of the Act. There was no direct or express provision regarding the subject, but the very absence of such provision would naturally operate against political prisoners. *The state of the law was really unaltered. Political prisoners were always sentenced as criminals. No Act ever recognized the existence of political crime, and yet political crime was, as we have seen, always more leniently dealt with than breaches of the ordinary law.* There was, however, in the Act of 1856, a special provision regarding misdemeanants, and as Mr. Sullivan and Mr. Pigott were convicted of misdemeanors they were specially liable to be treated as common criminals. The legislature had, in fact, acted in the dark. In the words of Mr. Isaac Butt—

The Press prisoners of 1868. Pigott and A. M. Sullivan under Prison Act of 1856, treated as criminals. State of law really unaltered.

"In 1856 came the monstrous juggle, under which the language of the law sentencing a political prisoner to 'imprisonment,' has been perverted into the infliction

Butt on Act of 1856.

of a penalty, which the law never contemplated and never meant. Under the very same nominal sentence, as that pronounced before upon Mr. Cobbet and Mr. O'Connell—without any apparent alteration of the law punishing political offences—Mr. Pigott and Mr. Sullivan are subject to an imprisonment, of a character so essentially different, that it is an abuse of language to call it by the same name."

Discussion in
Parliament.

On the 27th March the subject was brought up before the Commons by Mr. Maguire, supported by Sir John Gray. They complained that the Prison Act of 1856 had been passed under a misunderstanding, that the House had been made to believe that it had merely to transfer authority, and that no change in the method of treatment of certain prisoners was proposed or suspected. Lord Mayo made a most remarkable statement. *Allowing that the law did not make any specific provision for political misdemeanants, he proceeded to show that the Government had done what the law had left undone.*

Remarkable
statement by
Lord Mayo.

"The Board of Superintendence could only relax some rules; others were '*relaxed by the authority and on the recommendation of the Government.*' The statute placed Messrs. Sullivan and Pigott on the footing of common criminals in Ireland; the Chief Secretary took up rule after rule for the treatment of first-class misdemeanants in Oxford Jail, and declared the Irish prisoners had been treated in accordance with these rules, notwithstanding the statute. They were not placed with any other class of prisoners, were permitted to wear their own clothes, to provide wine (mulled claret) or ale (no medical certificate being required), and food; they were not required to perform any menial office, and had their exercise in the open air apart from other prisoners. They could have more time if they liked. They were allowed, he believed, to have any periodical or books they wished for. The rule as regards visits had been relaxed, and would further be relaxed, so that they might see their friends without the presence of a jail officer."—(Sigerson, *Freeman*, March 28.)

Lord Mayo
interfered in
spite of techni-
cal inability to
do so.

Lord Mayo thus acted in Ireland as the Home Secretary had done in the case of Fergus O'Connor and Henry Vincent, in England. *He interfered in spite of his inability to do so.*

"I have taken upon myself," he said, "as an officer of the Government, on my own authority, to authorize a very large departure from the rules which the Board of Superintendence have laid down. In that respect I have, perhaps, assumed an authority which did not altogether belong to me. I felt so strongly that the regulations, made by the Board of Superintendence for the Richmond Bridewell, were not intended for the treatment of prisoners convicted of this class of offence, that I felt it my duty to authorize a departure from the rules. In doing so I believe I have only fulfilled my duty." Why cannot Mr. Balfour follow in the footsteps of Lord Mayo?

Lord Aberdare
on political
offences, 1869.

Before leaving the question of home precedent, it may be well to point out that Lord Aberdare evidently appreciates the justice of the principle of the classification of prisoners according to the nature of their offences. The Committee of which he has lately been the chairman clearly acquiesce in it also. However that may be, the following incident shows that Lord Aberdare, at all events, is sound upon the question. One of the most important official documents, bearing upon the distinctive treatment of different classes of prisoners, ever issued, came from his pen. In 1869,

two Fenian prisoners, at Woking, complained that the diet they received was not of a sufficiently nourishing nature to properly maintain their health. In answer to the complaint we read :—

“ Mr. Bruce ” (Lord Aberdare, then Home Secretary) “ gathers from the representations in the memorial that it is not so much a more generous as a different diet which they (the Woking prisoners) ask for, and he is of opinion that, *in the case of these political prisoners*, some relaxation of the strict rules of diet might, *in accordance with the practice of most countries*, be allowed.”

Here, of course, Lord Aberdare concedes two very important points : 1st. That political prisoners should be subjected to an absolutely *distinct*, apart from a merely generous, method of treatment. 2nd. That this distinction is sanctioned by the practice of most foreign nations. It is a pity Lord Aberdare did not impress his views strongly upon the late Commission. It would not have been an unpardonable sin if they had gone outside their letter of instruction, as the Devon Commission did in 1870 (see page 3).

I will now proceed to concede shortly the treatment of political prisoners according to the practice of foreign nations. The precedents I have been enabled to quote, show—1stly, that although the law had never recognized political offences, traditional custom demands that political offenders should be subjected to a distinctive method of treatment ; 2ndly, that the attempts previously made, both in England and Ireland, to degrade political prisoners to the level of the common convict have invariably failed ; 3rdly, that men previously convicted of precisely the same crimes committed by the prisoners of to-day were treated as political offenders, and that, consequently, the men convicted under the Crimes Act of 1887 are political prisoners ; 4thly, that inasmuch as Mr. Balfour seems inclined to carry to the bitter end the system which failed in 1839, 1865, and in 1868, it is expedient that the law should be amended, and a rigid system of classification of prisoners adopted, in order that the treatment of prisoners may no longer be regulated by mere custom, which, though generally considered so important a portion of the British Constitution, can be so easily and lightly put aside by those in authority.

In France a system of classification of prisoners according to their offences has long been adopted. The Devon Commission before concluding their investigations, despatched one of their number, the late Dr. Lyons, to inquire into the system of prison discipline in that country. Much useful information on the subject may be gleaned from Dr. Lyons' report, which is attached as an appendix to the Blue Book, containing the evidence given before the Commission. It would appear from this document that it is the expressed rule of the law that persons condemned for mere infringements of police regulations, political prisoners, debtors, and some others, are not required to undergo physical labour. The dietary of the political prisoners included meat, cooked vegetables, and claret (See Dr. Lyons' report).

What precedent
it home teaches
us.

Foreign
practice.
France. Dr.
Lyons' report.]

"Independent of the foregoing dietary," we are told, political prisoners are granted about a pound and a-third of white bread daily, and nearly a pint of wine. Besides all this, they could purchase extra supplies of food at the canteen or from without, but as regards visits, political offenders had the right to receive their friends in the governor's parlour. Prisoners convicted of political offences connected with the press, were allowed to receive their families in their own apartment, and these might, and, as a matter of fact, did very often, spend the whole day with the prisoners, taking even their meals with them.

Political prisoners in France. No enforced association with criminals.

But the most important point is the absolute non-existence in France of association with convicts. This principle is not there regulated merely by traditional custom. It is part of the law, and has been enforced by, and strengthened by numberless special State documents. A political prisoner in France is always separated from the convicts in whatever jail he is confined. Whenever, however, political prisoners become numerous, a special quarter is created for them, in one or other of the *Maison Centrales*, by decree of the Prefect. Such a quarter, "for the detention of political offenders . . . affords many facilities to the prisoners for gaining little luxuries and enjoyments." "Thus," says the official document, "the Government, in accord on this subject with public opinion, traced from the commencement a line of demarcation between the political transport and the ordinary criminal."

Official document creating special quarters for political prisoners.

The following are extracts from an official decree, creating such a quarter as I have described. It was issued under the Empire, by M. Piétri, Prefect of the Seine, in February, 1867.

"Article I.—There is created at the House of Correction of St. Pelagie a Special Quarter, destined for political prisoners condemned to less than a year and a day of imprisonment.

"Article II.—The prisoner placed in the quarter in question, shall be admitted to the exceptional alimentary regimen accorded to political prisoners, and comprising per day 600 grammes (one pound and a third) of wheat bread, and a demi-litre (nearly a pint) of wine, and (per week) five full rations and two meagre. The prisoner may procure aliments from without under control of the governor, who must oppose dishes of luxury. No prisoner shall cause to be brought in more than one litre (nearly a quart) of wine per day. The introduction of alcoholic liquors continues to be strictly interdicted.

"Article III.—The prisoners may communicate amongst themselves in the interior of the quarter reserved for them. They will communicate in a parlour attached to the quarter, by permission granted in the Bureaux of the Prefecture of Police, as well with members of their families as with strangers who have shown legitimate motives for visiting them. Those different communications will take place on Mondays, Tuesdays, Wednesdays, Fridays, and Saturdays, from noon to four o'clock, and on other days from eight o'clock a.m. to noon."

Two French political prisoners in 1867.

M. Nacquet, and M. Accolas were political prisoners in 1867. The former, a prisoner in St. Pelagie, was allowed to absent himself from prison on condition that he was present at roll-call. M. Accolas, being in delicate health, was allowed to pass his time in a room at St. Louis hospital, where he daily received his friends in dozens. We

will have occasion further on to consider who are political prisoners according to the French definition of political crime (page 29).

As regards the treatment of political prisoners in France to-day, I refer the reader to the interview with Professor Léveillé, published elsewhere, and to the letters of Count Albert de Mun, M. Godré, Paul de Cassagnac, and the other eminent opinions from France, printed towards the end of this pamphlet. "Political prisoners," says M. Léveillé, "wear their own dress, receive visits from their friends" (this latter privilege enables prisoners in France to hold virtual levees, some of the prisoners having fifty or sixty persons on their visiting list), and need never mix with the other prisoners." "In a normal condition," says Count Albert de Mun, "political offences are not stricken by any punishment exceeding fine or detention. Most certainly," he adds, "it is unexampled that writers or political persons should be subjected to the treatment of common criminals."

Political prisoners in France to-day. Letters of Count de Mun, &c.

So much for France. If Wm. O'Brien were a French politician he would have been subjected to *custodia honesta*—that much is certain.

The letters which I am enabled to publish from Canada and the United States show what those countries would do had they any political prisoners to take charge of. The treatment to which the war prisoners in the States were subjected was, as is well known, very liberal. The United States has always recognized the difference between criminal acts and political violations of public regulations. I hold in my hand a letter from the Hon. Thomas N. Hart, the present Mayor of Boston. Mr. Hart is anti-Irish. I do not publish his letter, because, to say the least of it, it is offensive; nevertheless, Mr. Hart is constrained to say: "It is quite certain, in my mind, that political prisoners should not be treated like common felons. Jefferson Davis was, under our law, a political criminal, and we treated him accordingly. So we did with others."

Canada and United States

The proceedings of the International Congress on prison discipline, which met in 1872, in the Hall of the Middle Temple, London, affords us an opportunity for learning the custom of all Europe and America, with regard to political prisoners. The extracts are taken from a very able letter by Dr. Sigerson, which appeared in the *Freeman* of July 12th.

International Prison Congress in 1872. Remarkable proceedings.

The President of the Congress was the Earl of Carnarvon. The Right Hon. Mr. Bruce Lord (Aberdare), the Home Secretary, addressed the Congress and welcomed the foreign delegates, who included representatives from all the European nationalities as well as from the United States. Captain Ducane and the Hon. Charles Bourke, Chairman of the Irish Prisons' Board of to-day, assisted at the meeting, and inasmuch as no dissent is recorded on their part, their concurrence in the recommendation, which

followed the deliberations of the Congress, must be assumed. At the Congress, Count Adolpho de Foresta, who was present as the representative of the Italian Government, proposed for consideration, and afterwards embodied in a resolution which was passed, the question:

*Custodia
Honestæ.*

"Ought a kind of imprisonment, consisting in a mere deprivation of liberty, without obligation to work, and without contact with other prisoners, to be admitted for special crimes not implying any great perversity?"

Mr. Pol, delegate from the Netherlands, remarked that political crimes should come under this head, and that, in most countries where penal codes had been drawn up, such honourable custody had been adopted.

The Inter-
national dele-
gates discuss
association.

Count de Foresta would include all persons guilty of duels and press offences of any kind whatsoever. "In this category he would place persons imprisoned for duels, press offences, &c. Simple deprivation of liberty was enough for such an offender. To shut him in a cell, to set him to compulsory labour, to associate him with thieves and forgers, is evidently excessive. Let us consider that the persons guilty of these offences are frequently well educated, young, and uncorrupted. Simple detention in a fortress, where they could read, work on their own account, and see their friends, would be a sufficient punishment. By not mixing them with other criminals, by not even placing them in the same localities, nor under the same denominations, the sentiment of their personal dignity will be preserved. . . . It is not a privilege which I propose, but an act of justice, for ordinary punishment is too severe, and, moreover, unjust, when applied to this class of crimes."

Infraction
of law does
not imply
criminality.

Professor Weldimiroff (for Russia) concurred, that *simple infractions of the law did not imply criminality*. The Hon. T. R. Chandler, speaking for the United States, said that the principle was recognized there. Dr. Marquardson, representative of the Bavarian Government, said the code adopted in Bavaria three years previously established the system of *custodia honesta*. The result of the debate was entirely in favour of Count de Foresta's proposal. A resolution was passed. The wording is somewhat peculiar, but the meaning, taken in conjunction with the foregoing statements, is perfectly clear.

The Congress
in favour of
simple deten-
tion for certain
crimes.

The Congress "expresses its desire that in the various penal codes, framed or amended, *crimes of passion, not implying great perversity*, should not be punished only by (i.e., by mere) ordinary imprisonment, but by *simple detention* in a fortress or other secure place, without the cellular system, obligation of working, or confusion with those sentenced to ordinary imprisonment.—"Transactions of International Penitentiary Congress." London, Longmans, 1872.

Political offences are, of course, "crimes of passion, implying no great perversity." Indeed, as a rule, political prisoners, are men of lofty patriotism, whose crimes, though "of passion," really imply no perversity whatsoever.

The knowledge of the resolution passed by the International Congress might have kept Lord Salisbury and his Government out of all their trouble with respect to Irish prisoners. Well might the *Freeman's Journal*, of July 12th, 1889, ask—

The Freeman's Journal and the Congress.

"Was there ever a more extraordinary pronouncement in favour of the classification of prisoners? Was there ever a more representative opinion expressed against the enforced association of different classes of prisoners or of offenders whose moral guilt differs in degree or in substance? The whole system of common degradation denounced at an International Congress by representatives of Great Britain and Ireland, all the Powers of Europe, and the United States of America!! And yet, in face of all this, Lord Carnarvon, the President of the Congress which passed the resolution in question, can support a Government whose every act in connection with prison discipline, is a direct violation of the very principles, embodied in the international resolution to which he assented. And Lord Aberdare, —Mr. Bruce that was—having swallowed at a gulp the Liberal opinions which characterized him some short five years ago, thinks very little of accepting the chairmanship of a Committee of Inquiry into prison discipline, forced by the terms of the Letter of Instruction defining the scope of its inquiry, to disregard absolutely the principle of classification. But, worst of all, Mr. Charles Bourke can find it compatible with his ideas of consistency, to be the principal administrator of a noxious prison system, the chief characteristic of which has been the confounding of the illegal with the criminal, of moral guilt with infringement of temporary regulation; the common degradation of the patriot and the criminal—practices all strongly, directly, and diametrically opposed to the letter and the spirit of the conclusion or recommendation in which he, the present Chairman of the General Prisons' Board of Ireland, acquiesced, as a member of the International Prison Congress of 1872."

It may be stated generally, that all over the Continent, political prisoners are distinguished from criminals. The *custodia honesta* exists in Germany and in Austria, in which latter State we have the official statement, "that political prisoners are absolved from wearing prison clothes." Even Russia, which is supposed to be semi-barbarous, treats the Nihilists as men who may be guiltless morally. The prisoners are taken to Siberia, apart from common criminals, they are allowed to possess books and furniture, and to bring their families along with them. Mr. Lansdell's "Through Siberia," issued in 1882, says that—

Mr. Balfour's policy is opposed even to the practice of Russia.

"Political exiles go to prison for a short time, or not at all, and are then placed in villages and towns, where they follow trades and professions, and earn their living. The severest case of punishment of a political prisoner I met with was that of, I think, a Nihilist at Kara, who had daily to go to work in the gold mines, but on his returning he had a room to himself, some of his own furniture, fittings, and books."

Mr. Balfour's policy is, therefore, not only in contradiction to constitutional custom at home, but is also opposed to the practice of every civilized, and even semi-civilized nation in the world.

The indications afforded to us by international law are extremely valuable. The distinction between political offenders and criminals is sanctioned by the law of extradition. Mr. D.A. O'Sullivan, of Canada, whose letter may be found under the Canadian Protest, quotes a few lines from Yeaman's "Study of Government." Political writers, Mr. Yeaman observes, have not failed to notice "the jealousy and firmness with which all modern nations refuse the extradition for trial and punishment of fugitives, charged

International Law. Extradition refused for political offences.

with political offences; and *that circumstances ought to impress upon them, the care with which they should proceed to the punishment of their own citizens for the like offence.*"—(Yeaman, "Study of Government.")

And again:—"From the right and duty of surrendering such criminals, extradition for political offences is always excepted, and there is a sufficient foundation for this in the common sentiment of mankind. That sentiment points to what may ultimately become the municipal as well as the international law."

No country has more clearly defined its position with regard to the extradition of political offenders than Great Britain. It has been the boast of Englishmen that any political refugee of any country, no matter how deeply he may have sinned against the common instincts of humanity, may find within its shores of Great Britain a ready asylum. From Orsini to Boulanger—all are welcome.

Lord Palmerston's Government defeated on a question concerning political refugees.

In 1858 Lord Palmerston introduced a measure to the House, which, if passed, would have considerably diminished England's popularity as the covert of fleeing politicians. How was the proposal received? Lord Derby said: "Not for the security of the sovereign of France, or of all the sovereigns of Europe twenty times over, would I violate in the slightest degree that sacred right of asylum to foreigners, by which our history has been always characterized."

Mr. Gladstone said: "These times are grave for liberty," and denounced a measure "which attempts to establish a moral complicity between us and those who seek safety in repressive measures, and which will be a blow and discouragement to that sacred cause in every country in the world."

Mr. W. J. Fox declared that if assassins came into England, they had come from countries whose Governments made assassins.

Lord John Russell was appalled at the idea of purchasing the goodwill of foreign powers by destroying the old established system. He refused to support the measure or share in the "shame or humiliation of it."

Mr. Roebuck: "It has been our boast for ages that we have given an asylum, a safe asylum, to every political offender." Mark the words, *political offender*.

The measure was defeated by a majority of 19 in a House of 449 members, and Lord Palmerston's government was forced to resign.

England's foreign action.

England has always resented in any other land the confusion of political offences with criminal acts. Witness her action in regard to the Neapolitan prisoners—perhaps the only true parallel to be found in all history to Mr. Balfour's policy in Ireland. Great Britain boasts, in fact, that she is the custodian of the liberty of the world, and she will never, we may be sure, lend herself to the extradition from her shores of a foreigner who has sought her hospitality, *provided that his offence is a political one.*

Is it not, however, logically and politically absurd to refuse to extradite a refugee because his offence is a political one, and at the same time treat our own-political prisoners, as if such a thing as a political offence did not exist, thus encouraging foreign nations to treat as criminal, when in their hands, the men whom England refuses to extradite, on account of the non-criminal nature of their offence?

A political paradox.

Constitutional custom in England and Ireland, foreign practice, and international law having now been examined each in turn, I may fairly claim, I think, to have proved that political prisoners should be classified apart from the ordinary criminal.

What has been proved.

The question now arises, are the Irish Crimes Act prisoners political prisoners? Some people would consider it superfluous to argue this matter, and, indeed, it does seem childishly absurd to say that the Crimes Act prisoners are not political prisoners; nor do I intend to enter into any elaborate argument to knock down a supposition so patently ridiculous. It is often easier in mathematics to prove a complex problem than to logically demonstrate the accuracy of an axiom, because you have no previous demonstrated truth to aid you in the latter work. In the same manner, there being in England no definition of a political offence, it is somewhat difficult to prove in the abstract that members of parliament and others, convicted under the Irish Crimes Act are political prisoners. We have seen that men convicted of offences precisely similar to those committed under the present Act were treated as political prisoners. Precedent, therefore, at all events, is upon our side.

Are the Crimes Act prisoners political offenders. Difficult to prove.

Precedent says they are.

The French people have not been so reticent on the subject, and numerous French statesmen have, in various official documents, defined the term "political offender." M. Thiers, for instance, in a ministerial circular, issued on the 17th August, 1834, proceeds as follows:—

A French definition of political offender

"The government," he writes, "has judged it to be suitable and in conformity with public opinion not to confound in any case, political convicts, purely such, with other convicts destined for houses of force and correction; and I have even decided that they should receive a better alimentary regimen, and that they should not be forced to work. But one condition is indispensable in order that men condemned to seclusion or imprisonment for acts, or on the occasion of acts, of a political nature, may, without any sort of scandal, be admitted to enjoy these favours; it is necessary that it should be demonstrated and incontestable that they have acted under the influence of their opinions. Thus individuals who, on the occasion of political troubles, give themselves up, whether to the pillage of money or other movable objects, or to any other ordinary crime against social order, could not be considered but as simple malefactors; while the pillage of arms (unless particular circumstances establish a contrary presumption) cannot be considered except as a simple political crime. The presumption should be equally against them who may take part in a political movement, if they had previously been condemned for theft, or for any other dishonourable action. In these cases the administration is authorized to think such men have taken part in political troubles only with a view to pillage and devastation. Their place is then marked in the quarters of those condemned for ordinary crimes, without there being moral ground for according them any favour. The purely political convicts would, themselves, with reason, repel such an association. *Those condemned for political crimes of the Press must naturally be classed in the category of political convicts.*"

The last paragraph is peculiarly significant. M. Thiers would hardly have classified Mr. Harrington as a criminal because he published in his paper outspoken comments on the administration of the Coercion Act. In the phrase, "men acting under the influence of their opinions," we have a very fair definition of what constitutes an offence which is non-criminal. I say advisedly, non-criminal, because, naturally, anti-vaccinators and such-like offenders would come under the same definition.

Development of
M. Thiers'
definition.

A political offender, then, is a man who acts under the influence of his opinions. The term "opinions" must, of course, be strictly *limited to opinions upon public matters, upon which there is room for legitimate difference of opinion*. The murderer has an "opinion" that it would be advantageous to him to slay his victim, and in so far, he acts under the influence of his opinions. The forger thinks it would be profitable, too, to sign a name other than his own, on a cheque for £1,000, and he acts according to his opinions. The Whitechapel assassin may have the very best intention in pursuing his erratic course in Whitechapel, and he may be said "to act under the influence of his opinions." But the prevalence of murder and forgery would endanger the very existence of society, whereas the prevalence of offences against public regulations only tend to change the law or constitution, or the existing relation of certain classes to the rest of the community.

Two things to
be proved.

A man who claims that his offence is political must prove two things—1st. That he acted under the influence of opinions, which he held not in regard to an individual or individuals, or questions affecting them or himself; but in regard to the established state of the community as a whole, or classes of the community as classes. 2nd. He must prove that the acts which he committed under the influence of such opinions, do not threaten the existence or safety of society, or of individuals. If a man can prove these points, his offence must necessarily be a political one, or, at all events, a non-criminal one. A lunatic or a criminal (and Jack the Ripper is both), might prove that his action was consonant with the first condition, but under no circumstances could he prove that it is consonant with the second.

What the Irish
Party claimed.

The Irish members never claimed that crime ceases to be criminal because it may be instigated by political motives; but they have claimed, and claim still, that mere offences "against public order," "affecting men, not as individuals, but as members of the commonwealth," as Blackstone says, should be distinguished from criminal actions, when such offences are the result of political opinions, held by the offender. The Nationalist party is striving to repeal the Act of Union, and possibly to abolish landlordism—that is to say, they are endeavouring to effect a change in the Constitution and of the relations held by one class to another.

Offences *mala
in se* and *mala
prohibita*.

There are two classes of offences against the law of the land—offences *mala in se*, and offences *mala prohibita*. As long as the Irish members

and Crimes Act prisoners can honestly say that their offences are only *mala prohibita* (that is to say, that the offences imply no moral perversity); they are justified in asserting that they are political prisoners. That their offences are *mala prohibita*, or merely offences against public regulations, is proved by the fact that numbers of ministers of religion have thought it their *duty* to commit these offences. Many of the priests convicted under the Crimes Act considered that their offences were not *mala prohibita*, but *bona prohibita*. What is wrong in itself in law must be so also in religion. To the English and Protestant mind, the fact that priests have by word and deed shown their warm approval of various "heinous offences" carries no significance. To the Irishman and Catholic it is proof positive that there is nothing to be ashamed of in these offences; that, in fact, they are merely *mala prohibita*.

Shortly, therefore, I would define a political offender as a man who, acting under the influence of opinions which he holds upon public matters, upon which there is legitimate room for difference of opinion, commits an offence which is only malum prohibitum.

Definition of political offender

As regards boycotting, and certain forms of combination and conspiracy, precedent shows that they have hitherto been considered political offences, whenever they were the result of political feelings or opinions, provided that such offences did not develop into criminal action. After all, what is boycotting but one of the best principles of trade-unionism? Previously the principle, as exemplified by combinations among tradesmen, was illegal; it is now legal. *We have learnt sense.*

Boycotting and trades unionism.

I do not intend, as I said, to enter into an elaborate argument as to whether the Irish Crimes Act prisoners are political offenders or not. I have touched upon the matter of motive, simply because the Tory press and party have been harping upon it, and misrepresenting the Nationalist position, on the relation of motive to act, in the most shameful manner for the last three years.

Selfishness is the true mark of crime, and no one can accuse Mr. William O'Brien of selfishness, whatever his faults may be.

Selfishness]

The Coercion Act was an Act passed to stamp out the National League, a political organisation. It makes that a crime in Ireland which is not a crime in England. It is disapproved of by five-sixths of the parliamentary representation of Ireland and a very large minority of the representation of England and Scotland; by, in fact, the whole of that political party which for the time being is out of power.—(See Earl of Cavan's letter, end of pamphlet.)

The Coercion Act considered

If the Liberal Party were to come into power to-morrow morning, the Coercion Act would be repealed within twenty-four hours, and every prisoner convicted under it liberated at once. This is undeniable. The assertion is not unlikely to be proved to be true, within the next couple of years. There could be no better proof that the Irish Crimes Act prisoners are political prisoners. The assertion, however,

The Liberal Party would to-morrow release the "criminals" if they could.

that the Irish members of parliament and the Crimes Act prisoners are not political prisoners, is so absurd, as I have said, that I do not think it worthy of further notice.

The words of the *Daily Telegraph*, although printed here in this pamphlet, may here be produced with advantage :—

The *Daily Telegraph* and Mr. Balfour. Our case proved.

"Nobody in private life," says the *Daily Telegraph*, "considers, or affects to consider, that Mr. Dillon, Mr. O'Brien, or others, are on a level with burglars or thieves. We know that their motives are quite different, and that the leader of an insurrection may be an honourable and pure-minded man. We must also be ever ready to make special allowances for Irishmen. They read in youth the record of a generous and impulsive people, who might easily have been won by statecraft and kindness, but who were treated with stupid brutality by the stronger nation at their side, their trade injured, their creed insulted, their liberties denied. In latter years they found themselves in a Parliament that granted nothing to reason, but everything to outrage and obstruction, thus tempting a whole people to the use of force. The sympathy of educated men for poor peasants, however, even when it goes too far, is not reprehensible. The ability and earnestness of many Parnellite members are enough to have won them fame and wealth in many non-political careers. We think, therefore, that to measure out to humane, hot-headed men the same kind of degrading punishment that is awarded to rioters or moonlighters, is, to use the mildest language, a deplorable mistake."

If Mr. Dillon and Mr. O'Brien are not on a level with the burglar or thief, if they are not criminals, they must be political offenders.

On the 13th September, 1887, speaking on the Appropriation Bill, Mr. Balfour said, "he entirely conceded that political offences ought to be distinguished from offences that were non-political."

Daily Telegraph—

"The Crimes Act prisoners are political prisoners."

Mr. Balfour—

"Political prisoners should be distinguished from ordinary criminals."

A clear case proved from the mouth of two enemies. The Irish Crimes Act prisoners are political, and they should be treated as political prisoners.

To enforce prison dress is illegal.

As I have said before, there is some reason to doubt whether the attempt to force William O'Brien, and such-like prisoners, to wear prison clothes, was legal. The prison uniform was originally intended as a sanitary reform, and was introduced with a benevolent intention by the State. It has long, however, been considered a garb of degradation.

"This dress has too long been associated with all that is vile and contemptible to be assumed by lesser offenders without a sense of degradation, a shock to the self respect, which should never be unnecessarily inflicted" (see *Aberdare Report*).

The regulations contained in the 109th section of the Prison Act, 7th George IV., cap 74, directly implies that non-paupers, that is, prisoners who have sufficient means to support themselves, shall be at liberty to supply their own garments, nay, further, have not the right to expect to

be clothed at the expense of the State. The 19 & 20 Vic., cap. 68, ^{Some Acts considered} orders that prison dress shall be worn by all prisoners, whether they are able to support themselves or not. The Act here mentioned, was passed in 1856, when the prisons were under the administration of the old Board of Superintendence. The Prison Act, 1877, 40 and 41, Victoria, cap. 49, abolished the Board of Superintendence, and established the General Prisons Board of the present time.

In the rules for the regulation of local prisons, we read—

"In pursuance of the General Prisons (Ireland) Act, 1887, we, Francis Thomas De Grey; Earl Cowper, Lord Lieutenant-General and General Governor of Ireland, with the approval, advice, and consent of the Privy Council of Ireland, have settled, and hereby approve of the foregoing rules made by the Prisons Board of Ireland."

Rule 28, relating to prison dress, is as follows—

"A convicted criminal prisoner shall be provided with a complete ^{Prison dress rule.} prison dress, and shall be compelled to wear it."

This rule, it will be seen, implies that every prisoner must wear a prison dress, whether competent to support himself or not. *In principle, therefore, this rule is directly contrary to the principle embodied in the 109th section of the Georgian Act, already alluded to.* Now, the last paragraph of section 12 of the Act, 1877, establishing the General Prison Board, reads—

"No rule shall be made by the General Prisons Board inconsistent with any of the regulations contained in the 109th section of the Act of the 7th year of the reign of King George IV., cap. 84."

The rule regarding prison dress, therefore, adopted by the General Prisons Board, cannot be valid, and its enforcement is illegal. It seems to me that if the provisions of the Act of 1856, with regard to prison dress, were intended to be continued in the new Act, a provision would, or ought to, have been added to the section of the ' ' of 1877, somewhat to the following effect:—

"Subject to any alterations or amendments effected in the said 109th section of said Act by the provisions of the Act of 1856."

This point was first raised in an able letter in the *Freeman's Journal* of January 5th, 1888. A member of Parliament may never again be asked to wear prison dress in Ireland, owing to the recent modifications in the rules; but it may be advisable for lesser politicians to test the legality of rule 28 of the Prisons Board, if it is again attempted to enforce it.

Early in March Dr. Barr, the notorious surgeon of a local prison in England, despatched a lengthy disquisition on the prison systems of England and Ireland, to Mr. Balfour, and, having been revised by him, it was sent on to the *London Times* for publication, on March 9th (see *Hansard* on the subject). Dr. Barr proves to his own satisfaction

Dr. Barr's
March letter to
the *Times*.

The dietary question. A curious anomaly. The treatment of the Crimes Act prisoners compared with that of the felon.

what very few people dispute, that the treatment of a common convict is somewhat better in England than in Ireland. That, however, has nothing to do with the main question, which is, whether the Irish Crimes Act prisoners should be placed in the criminal class at all. Dr. Barr dealt at some length with the dietary. He forgot to mention, however, that the Irish Crimes Act prisoners, who are, as a rule, short-term misdemeanants, are placed upon a dietary, a great deal inferior to that which the ordinary felon receives. It is one of the anomalies of the Act of 1877, that the shorter the term of imprisonment, the more severe is the punishment within the jail. The Bench sentences a man to a short term of imprisonment because his offence is slight. The prison makes the nature of his confinement more rigorous, because it is short. Two men are convicted, and sent to prison. One is a Crimes Act prisoner, who has committed an offence against public order, and whose sentence is under one month. The other is a dark and dangerous character, who has, perhaps, been tried and convicted of a homicide, committed under the most revolting circumstances, and has escaped the gallows only by a legal technicality. The political offender is a short-term misdemeanant. The other is a man whose crime has brought down upon him a sentence amounting to many years of confinement. The felon is refractory—he is put twice upon “probation.” During the first three days the relative treatment of these two men is as follows (*Freeman*, April 19th):—

POLITICAL OFFENDER. (Well-conducted).	CRIMINAL HOMICIDE. (Ill-conducted).
Breakfast—8oz bread (and water).	12oz. bread. 1 pint coffee.
Dinner—6oz. meal, half Indian, half oaten, as stirabout (and water).	8oz. bread, 1lb. potatoes, 1½ pint oxhead soup (two days). 12oz. bread, 1½ pint coffee (two days). 12oz. bread, 1½ pint oxhead soup (two days). 12oz. bread, ¾ pint new milk (one day).
Supper—8oz. bread (and water).	8oz. bread, 1 pint cocoa.
Plank bed.	Mattress.

Their diet for the first four weeks is—

POLITICAL OFFENDER. (Well-conducted).	CONVICTED HOMICIDE. (Ill-conducted).
Bread—474oz.	864oz.
Cocoa—60 pints	28 pints
Coffee—none	36 pints
Suet Pudding—3lbs	none
Milk—50 pints	3 pints
Soup—4½ pints (weak)	24 pints (good)
Potatoes—3lbs	8lbs.
Meal (half oaten, half Indian)—1½lb	none

The political offender during this period has received 1½lb. more meal, 3 lbs. more suet pudding, and 47 pints more milk. The convict, on the other hand, has received more food by 390 oz. of bread, 20 pints of soup,

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5 lbs. potatoes and 14 pints of cocoa or coffee. In addition to all this the convict passes his night on a mattress. The political prisoner, as a short-term misdemeanant, is liable to have the plank bed during the whole of the term of his imprisonment. It is clear, therefore, that the political prisoner, in being treated as a short-term misdemeanant, is subjected to a harder system of prison discipline than the insubordinate felon in a convict prison.

It may be said that this short-term sentence is rendered more severe in order to make it deterrent, but this is surely the duty of the judge rather than of the jailer. The reason why the long-term convict is not placed under the harsher *regime*, is simply because the prison authorities know that subjection to such treatment, would mean that in six months the unfortunate man would either be in hospital or in the grave. Imprisonment is healthy, according to Dr. Barr, and perhaps it is—for the convict. But if the treatment is considered too severe for the felon, who has years of healthy imprisonment to undergo, why should it not be considered too severe for the political offender? If a political offender can withstand it for a month, why cannot the ordinary criminal, whose health, we are told, is so well looked after in the jail? The truth of it is, that the jailer has taken upon himself the office of the judge. The diet is a starvation one. It is only when a man comes out of the jail after a month's such treatment that his constitution begins to fail, and to show the effect of the treatment. Such treatment turns prison life into a torture, and threatens the health of men, whose offences the judge has condoned as slight, in inflicting a short term of imprisonment.

It would serve no good or useful purpose to go into all the phases of prison discipline in their relation to the Crimes Act prisoners. Owing to the terrific force of public opinion brought to bear upon the subject, and the energetic action of Mr. Sexton in Parliament, Mr. Balfour was forced to make some changes in the Irish prison discipline, which will be found at the end of this chapter. It will be observed that the rules speak everywhere of "criminal prisoners," and if the Irish Crimes Act prisoners are included in the rules, it is only because the law now makes them criminals. The amendment of Rule 18, in favour of prisoners awaiting trial, does not concern us. The only alteration made is that visitors may now stay more than a quarter of an hour with the prisoner, if such be approved of by the General Prisons Board. Rule 36 is of no significance. Rule 44, as may be seen, is practically unaltered. Regarding Rule 35 and Rule 28, on July 4th I addressed a letter to the *Freeman's Journal*, over the signature "Nemo," from which the following are extracts:—

"Every sensible man agrees with you that if any distinction is to be made between political prisoners and common criminals, it should be based upon the principle of classification. Viewed in this light, the proceedings of Lord Aberdare's Committee and the recent modification of the rules regulating the discipline of local prisons, are, not merely 'unsatisfactory,' but they are positively harmful. You have more than once referred to these modifications as 'concessions' wrung from the Government. Let us see shortly what the 'concessions' amount to.

Why the felon is well treated.

The recent modification in prison discipline no concession.

A letter.

The hair clipping rule.

"Rule 35, framed by the Prisons Board of Ireland, previously read as follows—
'Each male prisoner shall have his beard clipped or be shaved at least once a week, unless specially exempted by the governor or surgeon.'

"Now it will surprise many, no doubt, to learn that the governors of the various jails, where Irish parliamentary prisoners have been confined, had this optional power all along. You will observe, sir, that this optional power is not fettered by any limitation as to the grounds upon which it could be exercised. If the governor believed that the Crimes Act prisoners were political prisoners, and that, therefore, they should be 'subjected,' as you say, to a 'distinctive method of treatment,' it was in his power, if he liked, to exercise that power to 'specially exempt' a Crimes Act prisoner or member of Parliament from the degradation which attaches to the clipping of the hair.

"The rule, as amended on April 3rd, says—

"'That each male prisoner shall have his beard clipped, or be shaved once a week unless specially exempted by the governor or surgeon, on the ground that same is not necessary for the purposes of health or personal cleanliness.'

What becomes of the concession.

This modification confers no new power upon the governor or surgeon, since, there previously being no expressed limitation of their powers in this matter, they could 'specially exempt' upon any ground they choose. Now, however, they can only exempt on the ground of health or personal cleanliness. The governor previously possessed an optional power, the application of which was practically limitless. He now possesses an optional power, the application of which is specifically forbidden except upon one stated consideration. Before April 3rd he could exercise his discretion upon any ground he pleased; since that date he can only act upon one ground—viz., personal health and cleanliness. What becomes of the 'concession?' Far from being a concession, this change in the prison rules is positively a strengthening of the objectionable system. This matter is of importance, since Lord Aberdare's Committee has expressed an opinion in favour of the continuance of Rule 35, as amended. But people should not be deluded into the idea that any concession has been made. The change was clearly intended to convey that impression. It is therefore desirable that we should fully understand the nature of the transaction.

Is this a concession.

"Rule 28, that which deals with the question of prison dress, has been modified on the same narrow principle of health and personal cleanliness. If you, sir, regard the adoption of the theory of the classification of prisoners as the only way out of the present difficulty, I do not see how you can reasonably dub the change, even in this rule, as a 'concession.' I would specially draw your attention to the opinion expressed by the Committee of Inquiry—'That the question of wearing prison dress cannot be decided upon merely sanitary grounds.' It is clear that the only other ground upon which it can be decided is upon the principle of classification. If Mr. Balfour, therefore, follows the recommendations of his Committee, he will have to amend the recent modification in accordance with the principle of classification."

On April 18th, Mr. Balfour issued his long-promised letter of instructions to a Committee appointed to investigate certain phases of prison discipline.

The Freeman's Journal defines the Nationalist position towards the Aberdare Committee.

On the same day I wrote as follows, in the *Freeman's Journal*. I may be pardoned for re-producing the article here. It epitomises the attitude taken up by the Irish Nationalists in regard to the "concessions" made by Mr. Balfour in the provisional rules and in the appointment of Lord Aberdare's Committee:—

"We publish elsewhere Mr. Balfour's letter of instruction to Lord Aberdare, as Chairman of the Committee of Inquiry appointed to

investigate certain aspects of the prison system of Great Britain and Ireland. We may say at once that the instructions issued to the Committee are profoundly disappointing. We had entertained the hope that a full and fair investigation would be made into those parts of the prison discipline which have lately given such offence, and given rise to the fierce struggle and heated controversy of the last two years. What was the object of this great struggle? What motives actuated those political prisoners convicted under the Crimes Act, who have time after time strenuously protested against that policy which condemns to common degradation, those who wished to reform the constitution of the country, and those who offended against the common law of the land. The course of the agitation has certainly not lain in any desire to alleviate the lot of the ordinary criminal, or render less stringent the rules which regulate the conduct of the felon. The platform upon which the Irish Nationalists and the Liberal Party have taken their stand has been the principle of distinction, the principle of the classification of prisoners according to the nature of their crimes and the motives which moved them to action. We were promised by Mr. Balfour that the subject should be investigated, and such changes made in the system as would be recommended by the Committee of Inquiry. The alleged character of the offences committed by certain persons forms, says Mr. Balfour, 'one of the grounds' upon which compulsion as to the wearing of prison clothes and the cutting of the hair has been objected to. It is not one of the grounds; it is the only ground, the whole ground—it has formed the basis of the present agitation as regards the political prisoners. This has been the argument which day after day we have been insisting upon and dinning into the ears of the Executive in Ireland. When Mr. Balfour goes on to instruct Lord Aberdare that, inasmuch as the argument involves the whole question of the classification of prisoners, according to the real or supposed motive of their offence, it is not proposed to submit the point to the consideration of the Committee, he simply takes from the inquiry all its substance and its reality, leaving but the empty semblance of a name. We say that the Committee of Inquiry is a farce. It is, as we first dubbed it, a *collusive inquiry*—an inquiry established to enable the Irish Government to escape from the difficulties of an awkward position, while still standing by the tenets of their immoral belief. The Committee are merely asked to offer an opinion, upon the merits of the different arguments, that have been brought forward, in favour of a modification of the rules, in respect to the clipping of the hair, and the wearing of prison clothes. But the modification, if adopted, is to be based, not upon principle, not upon precedent, but upon the narrow ground of sanitary conditions of cleanliness and health. The question of dietary, the question as to whether political and such-like offenders should be brought into direct association with criminals—whether they should be deprived of all the intellectual occupations and resources natural to their class; whether such offenders should be treated, in fact, as first-class mis-

The Irish platform.

The Committee a farce.

demeanants or not; in other words, the whole subject of the classification of prisoners, the *raison d'être* of the present agitation, is to be left uninvestigated, without the pale, so to speak, of this miserable inquiry.

The personnel of the Committee.

"The personnel of the Committee, does not really matter. Lord Aberdare, Mr. Wyatt, and the three departmental prison officials, will do their work well for the government which they represent. We venture to say, now that the bogus nature of the inquiry is exposed, no liberal-minded man would consent to serve upon it. There is a sting at the end of Mr. Balfour's letter. The Committee are requested to advise the government as to what alterations, if any, should be made in the rules by which obedience to prison regulations is enforced, in view of the fact that deliberate refusals to obey the rules have recently become common. Mr. Balfour is informed that these occurrences have taken place in Ireland, but never yet in England or Scotland. Why is this? Is it not because political prisoners in England and Scotland have always been treated as such, and have never been condemned to the petty malignity, which has characterized the policy of the government towards the Irish Nationalists? Let the Committee search the pages of history. Let them examine into the cases of Cobbet and other distinguished English political prisoners. Let them then ask themselves whether these notable offenders would have tamely submitted to the same treatment as has been meted out to the Irish members? We commend the point to Lord Aberdare. Meanwhile, we condemn, in the name of those Irish members who first organized the movement against the prison system of Ireland, the bogus inquiry which has been instituted, and which, to our mind, is evidence at once of the weakness of the position taken up by the government, and of their failure to face in a manly way the difficulties they themselves have created."

Why political prisoners in England have never protested against prison discipline.

Mr. Lefevre's letter to the *Daily News*.

On April 22nd, a letter appeared in the *Daily News* from Mr. Shaw Lefevre. Commenting on this, the *Freeman's Journal* again explains the position of the Irish Nationalists.

"Mr. Shaw Lefevre has explained the question of principle, involved in the agitation against the present treatment of political prisoners in Ireland, with remarkable lucidity and force, in the course of an interesting letter addressed to the *Daily News*, and which we reproduce elsewhere. That agitation has been directed against a system. *If the brunt of attack has fallen upon one or two particular points of that system, it was merely because these particular points lent themselves most conveniently to the exposure of the whole system.* We have not contended during the last two years, merely that Irish political prisoners should be allowed to wear their own clothes, and grow their beards in

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luxuriance if so inclined. If these two aspects, so to speak, of the main question have been brought more prominently before the public than the other and really more important phases of the matter, it was simply because the enforcement of the two rules in question is the outward and visible mark of that degradation, which has been imposed impartially upon the political offender and the wife-beater and garroter during the last two years in Ireland. When public opinion was aroused, and the honest indignation of sturdy lovers of constitutional right, was excited by the bitterly unjust action of the Irish Executive, Mr. Balfour, who had previously been inebriated with delight at what he called his inability to interfere with prison discipline, drew up a code of provisional rules which removed to some extent these outward marks of degradation, and thus, to quote Mr. Shaw Lefevre, 'deprived the Irish members of their most effective means of protesting against their treatment as common criminals, by relieving them from wearing prison dress.' This, of course, is no solution of the question, because underlying the objection to these two symbols of criminal treatment there is a broad principle—the principle for which we have been fighting, in other words, the theory of the classification of prisoners according to their crimes and the motives which actuated them in their offences. The real subject in dispute is whether a prisoner convicted for a political offence, under a law expressly passed to stamp out a political organization, should be treated as a first-class misdemeanant or not? The first-class misdemeanant has nothing in common with the felon; he does not sleep upon the plank bed; he has a separate dietary; he is not asked to associate with the ordinary criminal society of the jail; he can see his friends, and has ample opportunity for exercise, and is allowed to while away the time with the intellectual pursuits congenial to his taste; and is, of course, not called upon to perform the menial offices of his cell. The provisional rules do not even touch upon these important matters. We were led to believe, however, from the tone Mr. Balfour adopted, that the Committee of Inquiry which was about to be appointed, would go to the root of the question, and would institute an investigation into the constitutional and historical justice of the demands made by the Irish members. The Committee of Inquiry is now, we find, virtually to confine itself to a report upon the expediency of continuing the new regulations. The main question is not to be examined, because, forsooth, the arguments in its regard would necessitate an investigation into the 'whole theory of the classification of prisoners.' Why, this has been what we have been fighting for, this very theory of the classification of prisoners; and we are coolly told that the subject is not to be entered upon, because to do so would cause trouble and inconvenience. A commission, or even a committee, not specially instructed by Mr. Balfour, would have investigated and reported upon the whole theory or principle within a few weeks. The questions that Mr. Balfour should have put to the Committee are these—What constitutes what is popularly known as a political offence? Are Crimes Act prisoners in Ireland political offenders? and, if so, what treatment should be meted out to

What we have been fighting for.

The first-class misdemeanants

What Mr. Balfour's instructions should have been.

them, according to justice and the light afforded by history and precedent, and sanctioned by constitutional usage and express act of law? As it is, the Irish Executive, otherwise known as Mr. Balfour, has ridden off on a side and materially minor issue. His Committee of Inquiry is a farce. His commissioners are political partisans, and sympathize with the Government in their recent Irish policy. If Mr. Balfour imagines that a collusive inquiry of this sort, based upon false instructions, and expected to enter a verdict in accordance with those instructions, will set the question at rest, we assure him he is very much mistaken, and the sooner he swallows and digests that fact the better for him and his Administration."

A side issue.

The Aberdare Report.

The verdict of the Aberdare Committee was not so favourable to the Government as was anticipated. They denounced the extraordinary treatment to which Mr. Edward Harrington had been subjected. They chafed under the letter of instructions sent to them by Mr. Balfour. "To these directions we have endeavoured to conform," they say, "but we have been unable to suggest any alterations in the existing practice altogether unconnected with the general character of the offence for which they have been convicted."

The Committee and the recent changes in the prison rules.

Commenting upon the recent modifications in the prison rules, the Committee deprecate the extension of these rules to England, upon the following grounds: "No necessity has been demonstrated for so sweeping a change, involving serious danger to the internal administration of the prisons and the safe custody of prisoners. To permit one man to wear his own clothes, while a poorer and not more criminal prisoner was compelled to wear the prison dress, would introduce an invidious and irritating class distinction which would greatly add to administrative difficulties, and constitute an innovation which ought not to be sanctioned without strong reasons, and even then should be fenced about with all possible safeguards. It would entail a necessity for additional precautions in ordering an increase in the number of warders, and consequent expense. Prisoners so favoured would have facilities for escape, which would compel the authorities to deprive them of many occupations in the precincts of the jail which diminish the monotony of prison life, and which are therefore much valued by them. It would greatly assist the introduction forbidden articles, and increase the efforts now often made to corrupt warders, and, not the least of its objectionable aspects, it would tend to confuse the sense of moral guilt by the knowledge of exceptional favour extended to the very worst criminals."

The Aberdare Report and the Report of the Devon Commission.

The Committee does not explain why all these disastrous results will not take place in the Irish prisons. The Devon Committee reported against the extension of certain privileges to prisoners within the jail as detrimental to prison discipline. The Aberdare Committee do the same, but they have not the courage to go as far as the Devon Commission, and say that prisoners, in whose regard these concessions have to be made, should be completely separated from the ordinary convicts.

Mr. O'Brien's letter on the Aberdare Committee will be found at the end of Chapter II. Mr. O'Brien points out that if the Government seem inclined to make any concession in regard to the Irish Crimes Act prisoners, they will make it, not in consideration of the nature of their offences, but because the Coercion prisoners, as a rule, are able to maintain themselves; in other words, because the wearing of their own clothes, by such men will not be detrimental to the sanitary condition of the prison. This concession could not be accepted as final, and the resolutions lately passed by the Corporations of Dublin, Cork, Kilkenny, Sligo, Clonmel, Limerick, Drogheda, and Waterford, indicate that the Irish people will not accept any concession which is not based upon the principle of classification.

Mr. O'Brien's letter.

Classification the only solution.

The municipal protest.

The various resolutions adopted by the several municipalities will be found elsewhere.

According to the regulations sanctioned by the recent modifications in the prison discipline, the rich wife-beater, the forger, and the light-fingered gentry who relieve persons of superfluous articles of adornment on racecourses, &c., will be raised to the level of the political offender, provided that they are able to maintain themselves.

Effect of changes.

We are fighting for a principle—the principle of the classification of prisoners according to the nature of their offences; that prison punishment should be in proportion to the degree of moral guilt actually attaching to the offence committed. The forger is a sinner against the moral code, and no matter how well educated, how refined, or how rich, he is a criminal, and should be treated as such. Quakers who are unwilling to comply with certain regulations, anti-vaccinators, and the like, should be classified and treated leniently whilst in prison. They are not criminals; no moral guilt attaches to their offences. To refuse justice, however, to the Irish Crimes Act prisoners, because to do so would produce inequality of treatment where offences against mere public regulations are concerned, is to refuse justice to a very large class, because you are not prepared to carry justice to its logical conclusion. Because Mr. Balfour refuses to adopt the right course in regard to anti-vaccinators, is no reason why he should refuse to do justice to the Irish Crimes Act prisoners. Mr. Balfour has himself denounced “the cast-iron uniformity” of prison discipline; why cannot he take steps to remove this “cast-iron uniformity?” And instead of degrading one class of prisoners because there are four or five classes of offences which, in common with the political offence, should not be lowered to the level of crime, why does he not boldly adopt the principle of classification, do justice to all, and leave his name written on the page of history, as the first man, who attempted to bring the English prison law into agreement with English constitutional custom and tradition?

Conclusion.

Forgers.

Balfour's opportunity.

E. DWYER GRAY!

APPENDIX TO PART I.

*Letter of Instruction to the Devon Commission.**Letter of Instruction to Aberdare's Committee.*

Whitehall, May 10th, 1870.

To the Right
Hon. Earl of
Devon, chair-
man ;

The Hon. Chas.
Broderick,
Stephen Ed. De
Vere,
R. D. Lyons,
and
S. H. Green-
how.

MY LORD,

With reference to allegations, which have from time to time been made on the subject of the treatment of prisoners under sentences of penal servitude, in convict prisons in England, for the crime of treason-felony, I am directed by Mr. Secretary Bruce to request that you will, in conjunction with the gentlemen named in the margin, inquire and report to him :—

(1) Whether there is anything in the treatment, diet, or discipline of the convict prisons to justify any charges of unnecessary severity or harshness, towards the prisoners confined therein ; or of neglect of the conditions necessary for the due preservation of the health of the prisoners.

(2) Whether the treason-felony prisoners have been subjected to any exceptional treatment in any way, or have suffered any hardship beyond those incident to the conditions of a prisoner sentenced to penal servitude.

You are authorised to call before you and examine any person whose evidence may be necessary to enable you to carry out this inquiry, and to call for and examine any prison books, which you may desire to inspect.

I am further to request you to communicate with the Chairman of the Directors of Convict Prisons, who has been instructed to afford you all necessary facilities for making this inquiry.

Mr. Bruce has requested your Lordship to preside at the inquiry as chairman, and to communicate with the other gentlemen named in regard to the arrangements for carrying it into effect.—I am, my Lord, your Lordship's obedient servant,

A. F. O. LIDDELL.

The Right Hon. the Earl of Devon.

The following is the letter which Mr. Balfour addressed to Lord Aberdare, chairman of the committee of inquiry, as to the rules concerning the wearing of prison dress :—

“ MY LORD,—The question as to how far prisoners should be compelled to wear prison clothes, and to submit to hair clipping, has recently been raised both in England and Ireland. One of the grounds on which the compulsion has in certain cases been objected to, depends upon the alleged character of the offences committed by the prisoners. This argument involves the whole question of the classification of prisoners according to the real or supposed motive of their offence, and it is not proposed to refer the consideration of it to your committee. Other arguments, however, have been used in favour of a modification of the present practice, and suggestions have been founded upon these arguments, on which it is desired to have your comments and opinions. It has been pointed out, that, as a matter of history, prison dress was originally intended as a benefit to the prisoner, not as a punishment. It has further been held by some, that as the wearing of prison dress was not originally intended as a punishment, so it is not a kind of punishment which is capable of defence. Prison clothes are a positive benefit to the poor. They inflict no pain upon the hardened criminal, and the only person to whom they can under any circumstances be a punishment are those few exceptional individuals who happen to take the view, that wearing the prison dress carries with it some disgrace over and above that, which is involved in the imprisonment itself. It has been objected to these views, that to permit certain persons to wear their own clothes, while others are compelled to wear the prison clothes, would be to draw a distinction between the punishments inflicted upon the rich and upon the poor. But if it be true that the wearing of the prison clothes is not and ought not to be considered a part of the punishment of imprisonment, this contention would fall to the ground,

and the only distinction, that would remain, between the treatment of different prisoners convicted for similar offences, would be a distinction founded upon conditions of cleanliness and health. It is possible, however, even if the soundness of these general arguments against the compulsory imposition of prison dress be admitted, that, nevertheless, there may be serious objections to any alteration in the present system from a practical point of view. It may, for example, prove difficult or impossible to maintain prison discipline, if the present rigid uniformity of treatment be in any way departed from. It may also be that any departure from this uniformity would produce in the mind, both of the prisoners and the public, the impression that certain classes of offenders are exceptionally favoured, and that, however irrational such a supposition might be, it would be so inveterate, that from the point of view of practical administration it could not be ignored. It is these and kindred arguments for and against the proposed modification of the existing rules, on which the Government desire to obtain the opinions of your committee. On one other matter also an expression of your opinion is invited. Deliberate refusals to obey the rules prescribing prison dress have, I am informed, never occurred in England or Scotland. They have, however, occurred in Ireland, and these or similar breaches of discipline, might at any moment occur elsewhere. Your committee are requested to advise as to whether any, and if any, what alterations it is desirable to make in the existing rules, by which obedience to prison regulations is enforced.—I have the honour to be, my Lord, your obedient servant,

"A. J. BALFOUR.

"Irish Office, April, 1889."

REPORT OF THE ABERDARE COMMISSION.

The Committee appointed "to advise whether any, and, if any, what alteration it is desirable to make in the existing rules, concerning the wearing of prison clothes and the clipping of prisoners' hair," have met, and taken evidence, official and non-official, the latter including that of persons who had been subjected to these rules, which evidence they append to their report.

In the letter of the 12th April, 1889, defining the character of the inquiry, you stated that it was not proposed to refer to the consideration of the committee the classification of prisoners "according to the real or supposed motive of their offence," and we were restricted to the consideration of such changes as can be effected without injury to the discipline and health of the prison. To this direction we have endeavoured to conform, and though we have been unable to suggest any alterations in the existing practice altogether unconnected with the general character of the offence for which the imprisonment was inflicted, we make no suggestions or recommendations founded upon the "real or supposed motives" of prisoners.

That the treatment of prisoners, both with respect to clothes and hair, was originally founded on sanitary considerations only may be accepted as certain. The interesting memorandum of our secretary, Major Arthur Griffiths—"A Prison Dress Historically Considered"—which we print in the appendix, puts this matter beyond doubt. That this treatment, as time went on and the management of prisons improved, became an important element in prison discipline, is clear from the concurrent evidence of many experienced witnesses. The whole question, including considerations of health, discipline, and safe custody, is fully discussed by Sir E. Dulane in the memorandum which he put in as part of his evidence, and to which we beg to refer.

The advantage of a uniform prison dress may be sufficiently stated under three heads, viz. :—sanitary, disciplinary, and general.

I. (a) The removal of private clothes from prisoners on first admission is a strong and, in many cases, an indispensable safeguard against the introduction of infectious disease, and the constant use of a cleanly and sufficient prison garb tends to maintain the health and cleanliness of the prisoners.

(b) Prisoners' clothes have the advantage over private clothes that they can be more readily washed, supplemented, and repaired without external aid.

II. (a) Prison dress is a valuable safeguard against escape.

(b) The prison dress affords the easiest method of classification, as by its marks and badges prisoners are readily distinguished.

(c) Prison dress checks the trafficking in and secretion of prohibited articles, to which prisoners are much addicted, and would be inevitably encouraged if private clothes were exchanged or added to from outside.

III.—Even if the prison dress was originally intended as a boon to poor prisoners, it has long since been adopted everywhere on more general grounds as an essential element of prison administration. It is now accepted without hesitation or repugnance by the great body of prisoners in England, Scotland and Ireland, and recognized as a component part of the system—not as a punishment, or as intended to inflict a stigma, or convey a sense of degradation. By a large proportion of the ordinary convict prisoners prison dress is looked upon as a right, carrying with it distinct advantages. Thus, the prison dress saves private clothes from wear and tear during confinement; it is more suitable and convenient for prison labour,

which, in many cases, is injurious to clothing; it permits its wearer occasionally to be employed beyond his cell in different offices which are highly prized by prisoners—an indulgence which could not safely be extended to prisoners wearing their own clothes.

Such, briefly summarized, are the arguments offered in favour of the prison dress by official witnesses. With one exception they were unanimous in stating that in England and Scotland no objection to wearing the prison dress, much less any resistance to it, had ever been offered by prisoners of any class or description during an experience extending over twenty, and in some cases, over thirty years. In Ireland, with the exception of the prisoners under the Crimes Act, and a few committed to Belfast Jail for trivial offences, a similar state of things was asserted to have prevailed. It was affirmed that no repugnance to the dress had been felt or at least visibly manifested by prisoners, English, Scotch, or Irish. In confirmation of this view it was stated, and is beyond doubt, that many unconvicted prisoners awaiting trial ask to be allowed to wear the prison dress, either for the purpose of sparing their own, or because it was warmer and more comfortable than their own ragged dress. It should, however, be stated that the dress worn by prisoners awaiting trial differs from that worn by convicted prisoners. This general acquiescence in the wearing of prison dress is doubtless due to its being accepted as a necessary incident to imprisonment. That this outward acquiescence, however, should not frequently be accompanied by repugnance to the same as humiliating and degrading, and tending to confuse those guilty of slight offences with habitual criminals, can hardly be doubted. Whatever may have been its original intent, this dress has too long been associated with all that is vile and contemptible to be assumed by lesser offenders without a sense of degradation, and a shock to the self-respect which should never be unnecessarily inflicted. This feeling was energetically expressed by witnesses who presented themselves, who had been imprisoned for refusal to have their children vaccinated. Its occasional prevalence among Ulster peasants imprisoned for having been drunk or other comparatively light offences, was also shown to exist by a former governor of Belfast Jail. The number of minor offences punishable by imprisonment in default of payment of a fine is so great, and has been so much increased by modern legislation in connection with health, education, highways, &c., that it cannot be doubted that many prisoners of this character are exposed to a painful trial in being forced to put on prison dress. "I am told by my officers," said the governor of Wandsworth Jail, "that occasionally men seemed surprised that they should be required to wear prison dress, but they don't make any further protest when they find it is the rule." The present practice in England as to dress rests on the Prisons Act of 1865, which prescribes that "a convicted prisoner shall be provided with a complete prison dress, and shall be required to wear it."

We are advised that this rule can only be altered by Act of Parliament, no dispensing power and no power to alter the rule being vested in the Secretary of State or in any other authority. In Scotland the practice rests upon the rule made by the Secretary of State for Scotland, and laid before Parliament under the terms of the Scotland (1857) and the Secretary of State for Scotland (1885 and 1887) Acts. That rule is as follows:—

"A convicted criminal prisoner should be provided with prison dress, and should be required to wear it. This rule may be repealed or altered by the Secretary for Scotland under the terms of these Acts."

In Ireland, also, the case is different from that of England, and under the powers conferred on them by the Act of 40 and 41 Vic., cap. 49, the General Prisons Board have, on the 22nd of March, 1889, passed the following resolution. (Here follow the new rules with regard to dress and hair clipping recently issued).

A sufficient time has not yet elapsed to allow the committee to form a decided judgment as to the effect of these new regulations as to dress upon prison discipline in Ireland. What information could be given on the subject was supplied by

Mr. Joyce, of one her Majesty's Inspectors of Prisons in Ireland. The committee are unanimous in deprecating the extension of such regulations to England and Scotland. No necessity has been demonstrated for so sweeping a change, involving serious danger to the internal administration of the prisons, and the safe custody of prisoners. To permit one man to wear his own clothes, while a poorer and not more criminal prisoner was compelled to wear the prison dress, would introduce an invidious and irritating class distinction which would greatly add to administrative difficulties, and constitute an innovation which ought not to be sanctioned without strong reasons, and even then should be fenced about with all possible safeguards. It would entail a necessity for additional precautions in ordering an increase in the number of warders and consequent expense. Prisoners so favoured would have facilities for escape, which would compel the authorities to deprive them of many occupations in the precincts of the jail, which diminish the monotony of prison life, and which are, therefore, much valued by them. It would greatly assist the introduction of forbidden articles, and increase the efforts now often made to corrupt warders, and, not the least of its objectionable aspects, it would tend to confuse the sense of moral guilt by the knowledge of exceptional favour extended to the very worst criminals. If, however, it be considered expedient to make an extension of the prison rules, we recommend that the following conditions should be observed:—

1. That the existing rule should be maintained with respect to prisoners sentenced to penal servitude and imprisonment with hard labour, as well as to prisoners convicted of felony and all misdemeanours involving fraud. To these should be added prisoners convicted of the graver and grosser forms of violence, which should be enumerated, and should not be left to the discretion of the judges and magistrates. In Scotland, where the distinction between felony and misdemeanour is unknown, and where sentences of hard labour are comparatively rare, a classification, as nearly analogous as circumstances would permit, would have to be adopted.

2. The remaining prisoners sentenced to simple terms of imprisonment might be allowed to make application to the chief officer of the prison for permission to wear their own clothes, under such rules as the Secretary of State may be prepared to make. Prisoners should only be permitted to wear their own clothing if it be considered fit and sufficient by the medical officer, and prison dress should be worn by those who are unable to get a proper supply of clothing, including a weekly supply of underclothing. It should also be made known that the prison authorities would not be liable for injury to such private clothing, or for wear and tear.

The evidence seems to show that, thus restricted, the number of prisoners who would be in a position to avail themselves of the privileges of wearing their own clothes, and who would desire to do so, would not be large, and would, therefore, be more easily dealt with. Even when thus limited, however, the committee are of opinion that it may be desirable to separate as far as possible prisoners wearing their own clothes from those in prison dress.

We have said that, in our opinion, the question of wearing prison dress cannot be decided on merely sanitary grounds. Too many considerations of importance intervene; but there seems no reason why the question of hair-clipping should not rest at this consideration alone, and this is especially the case where the imprisonment is for a short period. The rules in force, or supposed or intended to be in force in Great Britain and Ireland, appear to be founded solely on this basis. During long sentences the hair is cut shorter than it is usually worn out of prison, but the humane practice has long prevailed of allowing the hair to grow for some weeks before the expiration of the sentence, in order to save the prisoner from observation and annoyance when released. Nevertheless, if the evidence we receive be correct, the application of the rule as to hair-clipping is sometimes arbitrary and unequal. Mr. Edward Harrington said that he had been imprisoned three times. On the first two occasions he was allowed to wear his moustache intact and untouched. On his third imprisonment at Tralee, his moustache was not interfered with, but

after four days he was removed to Tullamore, where, he states, in spite of his reference to the rule, and a request to be allowed two days to appeal to the Prisons Board, at Dublin, the governor insisted upon removing his moustache, intimating, that if he resisted, force would be employed. We fail to see any reason for this alleged difference of treatment in absolutely similar circumstances. Again, two members of the Salvation Army who were imprisoned, one for seven days, and one for twenty-four hours, stated that they had their hair cut very short, a proceeding which seems opposed to the spirit of the rules actually enforced, and especially to that practice which spares the hair of a prisoner some time before his release. The rule for England is as follows:—

“The hair of a female prisoner shall not be cut without her consent, except on account of vermin or dirt, or when it seems to be required on the ground of health; and the hair of a male criminal prisoner shall not be cut closer than may be necessary for purposes of health and cleanliness.”

It might possibly assist in securing uniformity if the following words were added at the end of the rule after “cleanliness”—“and not at all when not so necessary.” In Scotland the rule is—

“Every prisoner shall obey such regulations as regards washing, bathing, and hair cutting as may, from time to time, be established with a view to the maintenance of health and cleanliness.”

We recommend the adoption of an identical rule for Great Britain and Ireland.

We are requested to advise as to whether any, and, if any, what alteration it is desirable to make in the existing rules by which obedience to the prison regulations as to dress is enforced. We have been unable to ascertain that any special rules for dealing with this form of disobedience have been devised. Each case appears to have been dealt with according to its special circumstances, but we are unable to suggest any regulations upon the subject.

(Signed),

ABERDARE.
DUCIE.
W. H. WYATT.
BOURKE,
W. J. STOPPER,
A. BEATONE BELL,
C. E. THORNHILL,

To Right Hon. A. J. Balfour.

NEW RULE.

RULE 18.

18. Each such prisoner shall be permitted to be visited by one person, or (if circumstances permit) by two persons at the same time, for a quarter of an hour, or for such further time as the Prisons Board or the governor may deem necessary, on any week-day, during such hours as may from time to time be appointed.

RULE 28.

28. A convicted criminal prisoner shall be provided with a complete prison dress, and shall be required to wear it, unless the General Prisons Board shall, by order, in writing, otherwise direct, on the grounds that the wearing of such dress is not necessary for the purposes of health or personal cleanliness.

RULE 35.

35. Each male prisoner shall have his beard clipped, or be shaved at least once a week, unless specially exempted by the governor or surgeon, on the grounds that the same is not necessary for the purposes of health or personal cleanliness.

RULE 36.

36. The hair of a female prisoner shall not be cut without her consent, except on account of vermin or dirt, or when the surgeon deems it requisite on the ground of health; and if the hair of male criminal prisoners be cut, it shall not be cut closer than may be necessary for the purposes of health and cleanliness.

RULE 44.

44. Criminal prisoners, if employed at work in their own cells, shall be permitted to take such exercise in the open air as the surgeon may deem necessary for their health—such exercise to be taken at such times and places, and subject to such conditions, as the governor or surgeon may direct.

OLD RULE.

Each such prisoner shall be permitted to be visited by one person, or (if circumstances permit) by two persons at the same time, for a quarter of an hour on any week-day, during such hours as may from time to time be appointed.

OLD RULE.

A convicted criminal prisoner shall be provided with a complete prison dress, and shall be required to wear it.

OLD RULE.

Each male prisoner shall have his beard clipped, or be shaved once a week, except specially exempted by the governor or surgeon.

OLD RULE.

The hair of a female prisoner shall not be cut without her consent, except on account of vermin or dirt, or when the surgeon deems it requisite on the grounds of health; and the hair of male criminal prisoners shall not be cut closer than may be necessary for purposes of health and cleanliness.

OLD RULE.

Criminal prisoners, if employed at work in their own cells, shall be permitted to take such exercise in the open air as the surgeon may deem necessary for their health.

Part II.

THE INCIDENTS OF THE PAST THREE YEARS.

MR. BALFOUR and Mr. Balfour's Coercion Act, between them, are responsible for bringing the question of the treatment of political prisoners to that acute stage at which it presses for immediate settlement. Prior to the passing, and the three years of gentle but resolute administration, of the Coercion Act, political prisoners, even Irish political prisoners, counted only by the dozen. Since then they have counted by the thousand. It is hard to get at the precise figures of the victims of Mr. Balfour's three years of coercion, but we are under the mark at fixing it at three thousand. This number includes twenty-six members of Parliament—more than a fourth of the entire Parliamentary representation of the country, many of whom had to undergo more than one term of imprisonment. It further includes about a dozen of the most respected priests in Ireland; the mayors of the principal towns—Dublin, Cork, Sligo, Clonmel, and other places. Some scores of newspaper men from the highest to the lowest, proprietors, editors, reporters, printers, and news vendors; town commissioners, poor-law guardians without number; a sprinkling of the professional classes, barristers, doctors, and solicitors, and the *élite* of the country; shop-keepers and farmers go to make up the gross total. To these must be added an English working-man's delegate, an English gentleman of large property and high position, and an English member of Parliament. The victims included all ages and sexes—old women tottering on the graves' brink, and young children not yet entered on their teens. They were convicted as ordinary criminals by salaried and dependent officials of the Executive, confessedly selected for the bench on the sole ground of their political opinions and services.

The "crimes" of which these prisoners were convicted were, for the most part, attending meetings, making speeches, or listening to speeches, publishing reports in the newspapers, refusing to work for or to sell goods to unpopular persons, or resisting eviction. This catalogue, stripped of technical phraseology, practically exhausts the

Three thousand victims.

What are the "crimes"?

Mr. Balfour's
policy.

"offences" with which the Coercion Act is conversant. It will be readily felt that the difficulty about prison treatment has reached an acute stage, when the best reputed and most popular inhabitants of a country are crammed into jail under a new Act, by new courts, and for newly-created offences. The difficulty was terribly intensified by the deliberate policy which Mr. Balfour thought proper to pursue.

Mr. Balfour's
policy. The
object.

The technical rule (see Part I) which in England identifies political offenders with ordinary criminals has always, as will be fully shown hereafter, been "more honoured in the breach than in the observance." Mr. Balfour determined that in regard to his Coercion prisoners it should be rigidly adhered to. From this course he hoped for two good results to the Coercion Government—First, to break down and destroy the energy, the spirit, and the health of his political opponents in Ireland; second, by fixing on them the badge and garb of crime, to degrade them in the eyes of the people, and so rob them of their "dangerous" influence. This intention was fully apparent in the debates in the House at the passing of the Bill, in the course of which the Chief Secretary strenuously resisted every proposal advanced to render light the lot of the prisoners convicted of the new offences which the Coercion Act created, by the new tribunals it appointed. But the intention was put beyond all question by the letter of Mr. Wilfrid Scawen Blunt, published in the *Times*, March 24th, 1888. Mr. Blunt, in this letter, enters into elaborate details. He tells how, in September, 1887, he was staying with a near relative at St. Clouds, in Wiltshire. The gathering was altogether non-political, and politics were practically tabooed.

Mr. Blunt's
letter.

"I do not think," writes Mr. Blunt:

"That the Irish question had been alluded to until, at the end of the week, Mr. Balfour unexpectedly arrived to spend the Saturday and Sunday with us. It was on the Sunday afternoon that he began the conversation specially referred to by an allusion to the Ennis meeting, which, it will be remembered, was the first, or nearly the first, he proclaimed in Ireland, and which was at that very moment taking place. His words on this point were too vague for me to affirm more than that it convinced me that he expected bloodshed in suppressing it. From this he passed to the more general question of coercion, and I asked Mr. Balfour how he intended to deal with the Home Rule movement. 'You cannot,' I said, 'expect to convert the Irish by force.' To this he replied that I exaggerated greatly the extent and sincerity of the movement. It was not a genuine national one, but depended for its vitality on half-a-dozen men, who alone had influence, and if they were got rid of the whole movement would collapse. I asked him who these were, and he named the chief Parliamentary leaders, especially Messrs. Dillon and O'Brien, and Mr. Michael Davitt. These could be dealt with through the operation of the Crimes Act if they dared to hold their ground. 'But,' he said, 'they are afraid of prison, and will leave the country.' I said, 'You will find they are not afraid: they will gladly go to prison, because they know it will strengthen the movement, just as imprisonment has always done. The arrest of the suspects was the making of the Home Rule party before.' 'Oh, no,' he said, 'it will be a very different thing now. We are not going to have any such nonsense as Forster had. They will be quite differently dealt with. They will get severe punishment with hard labour—so severe that those who have not strong health will not be able to stand it.' 'I shall be sorry for Dillon,' he added, 'as he has got some good about him. He will get six months hard labour, and as he has bad health

it will kill him.' I am quite sure of the accuracy of these words, as they seemed to me not a little brutal, and Mr. Balfour had used a similar, though not quite so strong, a phrase about Mr. Dillon in a conversation the day before."

Mr. Blunt, who it is admitted on all hands is incapable of wilful misrepresentation, is positive in his statement. He gives a number of corroborative details. He challenges contradiction. Mr. Balfour has evaded the challenge by pitiful quibbling and insulting jibes. We may take it then that Mr. Blunt's account was substantially correct, that the degradation of his political prisoners was the back-bone of Mr. Balfour's coercion policy. Mr. Blunt, while the conversation was still fresh in his mind, communicated its substance to Mr. Wm. O'Brien, M.P., and Mr. John Dillon, M.P., by way of warning.

Hence sprang up that wonderful *duel* between Mr. Wm. O'Brien and Mr. Balfour:—between the prisoner and his jailer:—which was begun in Tullamore prison and concluded in Clonmel. Mr. Wm. O'Brien met Mr. Balfour's prison degradation policy, as detailed to Mr. Blunt, with open defiance. It hardly seemed a fair fight at first—the prisoner alone in his cell, the jailer with the whole force of the empire behind him. But Mr. O'Brien fought Mr. Balfour out on every point and beat him on every point. Association with criminals; menial offices; and convict garb—these three forms of degradation, from first to last, he persistently and successfully resisted. The secret of his success was short and simple: the prisoner was not afraid to die, and the jailer was afraid to kill him. We do not purpose entering at any length into Mr. O'Brien's fierce struggle in Tullamore. The details are familiar to the public. He was ordered to "strip," and refused, then he was put on bread and water until his health broke down. Finally, his clothes were stolen at night, and for three days he was confined to his bed. Then the famous Blarney tweed made its miraculous entry into his cell. Thereupon Mr. Balfour, at last finding the conflict hopeless, gave up in despair, covering his retreat by his first letter to his dear Mr. Armitage, whose falsehoods Mr. O'Brien subsequently exposed in the House of Commons. Mr. O'Brien's fellow-prisoner, Mr. John Mandeville, did not escape so easily. Mr. O'Brien vainly endeavoured to prevent Mr. Mandeville from entering into the struggle. He conjectured, rightly, as the event proved, that Mr. Mandeville, being in a less prominent position, would be more ruthlessly treated than himself.

Mr. O'Brien and
Mr. Balfour.

It was at this time the notorious Dr. Barr appeared on the scene. His functions are scarcely attempted to be concealed. He was chosen to keep the Irish prison officials up to the mark, in the enforcement of the degradation of political prisoners. By a curious "coincidence," as we are asked to believe, the doctor entrusted with this delicate mission turned out to be a North of Ireland Orangeman, and the head of a high Tory Association at Liverpool. How well he fulfilled his functions, appears from the evidence and verdict at the Mandeville and Ridley inquests, to which we must now briefly allude.

First appearance of Dr. Barr.

Poor John
Mandeville.

John Mandeville, a man of herculean strength and health, when he entered Tullamore jail, emerged a mere wreck of his former self, and died within a few months after his release of the fatal delicacy and disease, contracted through the brutality (no milder word can express it) to which he was subjected in prison. Every obstacle was thrown by the police (doubtless, acting on instructions from head-quarters) in the way of an inquest. It was hinted to Mrs. Mandeville, that the charge of drunkenness—a charge which the evidence subsequently showed was without the shadow of foundation—would be made against the dead man, if the inquiry was permitted to proceed. But the inquiry proceeded notwithstanding. We remember nothing more touching ever detailed in court than the poor widow's evidence of her dead husband's "confidences as between man and wife," after he was released from the prison which was made a hell upon earth to him in the vain hope of breaking his determined spirit.

THE WIDOW'S EVIDENCE.

Mrs. Mandeville's evidence
at the inquest.

Mrs. Mandeville, widow of deceased, examined by The MacDermott, at the inquest at Mitchelstown, on Tuesday, July 18, 1888, said—

"She was married to deceased in February, 1880. He was about 38 years of age. As to his health, she had known him from his boyhood, and had always looked on him as the strongest man she ever knew. He was sent to prison on the 21st October, 1887. From the time of his marriage up to that period he continued in good health. He came home on Christmas eve. His appearance was then greatly altered; his lips were blue; he became pale and thin; his eyes were sore, and he could not read by lamplight. Before he went to prison he could write a fair, firm hand, but after that time his handwriting was very shaky. For the first month after he came out he could hardly write. He complained of the trouble of walking. Between the time he left prison and his death he was always complaining of Tullamore; he said he never recovered his strength. He complained of his throat, and of a cough. As to his teeth, he had a difficulty of eating, and he required more delicate food. The doctor in Cork ordered him flannel; the morning he was going to Tullamore he was not allowed to take that flannel with him; consequently his teeth were chattering with cold that morning going to Tullamore. He reached Tullamore about ten o'clock, and got no food till one o'clock, when the ordinary prisoners were served. He left Cork that morning about half-past four o'clock. He complained that his throat was sore nearly the whole time he was in Tullamore. He said that the doctor certified he was fit for punishment when he was not fit for it. What is the name of the doctor? Dr. Ridley. His throat was so sore that he could not eat the brown bread, nor take the cold water, which was the punishment diet. He took nothing for more than twenty hours. He told me that one of the Tang prisoners gave him a rope, that he tied it round his waist, and as he suffered more and more from hunger, he tightened the rope. Dr. Moorhead said he was seriously ill, but that Dr. Ridley seemed to think he could stand punishment. Dr. Moorhead was a visiting justice. He suffered from hunger, and his mind wandered, and he said he prayed to God that he might die rather than that he should go mad. Before the sentence was completed they had to take off the punishment. They then removed him to another cell. He told me that after punishment he could not eat for some days. He told me, describing the hunger from which he suffered, that a warder was eating a meal outside his cell, and when he had done he opened the door and threw him in a tiny bit of meat, as he might throw to a dog, and he said that he never enjoyed anything so much in his life. (Expressions of surprise in court.) Mrs. Mandeville then repeated that he said he prayed to God that he might die rather than lose his mind. He said they offered to put him into hospital if he would put on the prison clothes, and he would not."

"Did he say anything about Slievenamon?" "He said that one night he thought he was a boy again, and that he was lying on the heath at Slievenamon; that he thought I was lying dead beside him. He said he thought the Crucifixion was going on, and that he heard music, and that this was caused by hunger and weakness. He said he had frequently suffered in prison from diarrhoea; that the doctor let him get stirabout, and, I suppose, some vegetable soup, and he remarked to the doctor that no old woman, seeing a patient suffering from diarrhoea, would allow him to be supplied with such food. He said the light of his cell was very bad; that he could not see to read. The cell was flagged, and the prisoners wore slippers so thin that their limbs were frozen up to their knees," etc.

The evidence of Mr. O'Brien, his fellow-prisoner, powerfully corroborated Mrs. Mandeville's. He described the ordeal, so far as the details had reached him, by which the strong man's strength was undermined. He described also his appearance when he first met him after his release—

"Mr. Mandeville" (said Mr. O'Brien on his oath), "was then shockingly altered. He was a totally different man—shrunken, unhealthy, extremely nervous, and frequently trembled. The day he went into prison he was as magnificent a specimen of a man as he (witness) ever laid his eyes upon. After witness's own clothes were stolen from him, the chaplain told him that Mr. Mandeville was again on bread-and-water. He subsequently left the hospital and went back to ordinary prison fare. Both the governor and the head warden assured him that he was mistaken as to Mr. Mandeville, who was not on punishment diet; that his punishment was over, and he was doing well. Until he afterwards learned from the papers, he did not know all that the unfortunate fellow went through. The only thing he did learn was the midnight attack on him."

From the governor of the jail, Mr. Fetherstone-Haugh, was extorted a description of the midnight visit of violence to Mr. Mandeville, when four warders, under the direction of the governor himself, set upon him, and stripped him, and left him all night naked in his cell, till at length, when they threatened to drag away the last rag left to cover his nudity, he consented to don the garments of shame—a glorious triumph truly for the administration of the law!

We have not space to consider more fully or in detail the savage punishment to which Mr. Mandeville, even after he was prostrated by sickness, was subjected for continuing to resist the further humiliation of doing menial work in his cell, or associating with criminals. But we must briefly allude to the evidence of Dr. Barr, to whom reference has already been made. It was proved at the inquiry that after each visit of Dr. Barr, severer and more savage punishments were inflicted on poor John Mandeville, and if the coincidence were not enough, Dr. Barr's own evidence, on cross-examination, would sufficiently enlighten us as to the origin of that punishment.

Dr. Barr, sworn—

"I am decidedly of opinion that if he had had two years imprisonment instead of two months, he would be alive and well in Tullamore prison to-day."

John Mandeville died, in Dr. Barr's opinion, of the free air, healthful food, and home comforts of Mitchelstown. He would have thriven for two years in a fetid cell, fed for three days at a stretch on a scanty allowance of bread and water, and robbed even of the poor two hours' fresh air and exercise that the statute allowed him. The only fault that Dr.

Mr. O'Brien's evidence.

The Governor describes the midnight scene.

Dr. Barr's evidence.

The effects of Dr. Barr's visits.

Dr. Barr's curious opinions.

Barr found with the prison treatment of John Mandeville was, that it was too lenient. It is quite plain from his evidence that he extorted Dr. Ridley's unwilling sanction, to the barbarities that were inflicted, and would fain have resorted to still greater savagery if he had his way—

You said that a slight attack of diarrhoea did not disqualify him from punishment? I say so now.

You said so then? I dare say I did.

You said it was not within the doctor's right to keep him off punishment if the prisoner was able to bear it? I say so still.

Did you say that the doctor had been too lenient? Yes.

You don't believe Dr. Ronayne's evidence? No.

You consider that all untrue and false? Yes.

Unfounded? Yes, and I stated as much about Dr. Moorehead's evidence.

You say that with the treatment his death lay at the door of the doctors? I consider he didn't get a chance for his life.

In addition to accusing a number of gentlemen of absolute falsehood, you accuse these gentlemen of absolute incapacity? I do.

Did you say to any gentlemen in Liverpool that Mandeville was a great scoundrel and deserved what he got? No. I may have used words to that effect.

Did you say you did use them? I did not. I may have used them, but I have no recollection."

This same John Mandeville was described by the governor of the prison as "a patient and courteous gentleman." Dr. Barr, whose character we may fairly gather from the extracts already given, is the man whom the Chief Secretary delights to honour, and whose letters on prison treatment he endorses, and forwards for publication to the *Times* (see page 33).

The verdict of
the jury

The three medical gentlemen, referred to in Dr. Barr's evidence, swore point blank that in their belief Mr. Mandeville had died from the effect of the severities practised on him in prison. The Coroner's jury had been very specially packed by the police. There were on it, if our information serves us, nine Protestants, and the verdict of the jury was as follows:—

"We find that the deceased, John Mandeville, died on the 8th of July, of diffused cellular inflammation of the throat, as defined by the doctors, brought about by the *brutal and unjustifiable treatment* he received in Tullamore Jail. That we enter our solemn protest against the system of the present Government, in awarding similar treatment to Irish political prisoners as to common criminals, and the cruel method by which the rules are enforced. That we condemn the vile aspersions of Dr. Barr on the doctors, who attended John Mandeville in his last illness."

Dr. Ridley's
suicide.

The inquest on John Mandeville was rendered still more tragic by the suicide during its progress of Dr. Ridley, the doctor nominally responsible, who was present at Mitchelstown to be examined. Mr. Balfour has made a vain and silly pretence, that Dr. Ridley's suicide was occasioned by the Nationalist boycotting and calumny, to which he was subjected. It was proved on the oath of Dr. Ridley's own father at the inquest, that he had never been boycotted at all. It was proved on other testimony that he was, on the contrary, treated and spoken of most kindly by the Nationalists. But in any view, the theory would be absurd that Dr. Ridley bore boycotting and

calumny patiently up to the moment that the opportunity was afforded him of vindicating his character on oath, and committed suicide on the threshold of his triumph. The reason of his suicide was found by a Coroner's jury on their oath, and that a very curiously constituted jury, indeed. The police appear to have been piqued by their failure to get a "reliable" jury at the Mandeville inquest; they exerted themselves doubly for the Ridley inquiry, and, as it will be seen, with astonishing results. We will come later on to the constitution of the jury and the verdict. A word or two now about the evidence. Mr. O'Brien's evidence on the Ridley inquest gives a vivid notion of the terrible pressure exercised by Mr. Balfour, through Dr. Barr and Dublin Castle, to keep the jail officials up to the proper cruelty-pitch, in the attempt to degrade political prisoners to the level of ordinary criminals.

Mr. O'Brien swears, August 9th, 1888 :—

"Dr. Ridley told me either on the first or second morning after my arrival that the governor had gone to Dublin to remonstrate, and he intimated to me that Captain Fetherston-Haugh almost threatened to send in his resignation; that he was in a very wretched frame of mind; and that he said, 'Why didn't they do it in Cork? Good God, why did they send them here, and why did they put it upon us?' or words to that effect. It seemed to me that from the very first moment I saw him, several days before Dr. Moorhead had come upon the scene at all, that Dr. Ridley was very wretched about the business. We had fifty different chats about the matter. He generally commenced by throwing up his arms and saying 'My God, why did they ever send you here?' I said to him that I was sorry to have to be a nuisance; that we would get on well generally, but on the three points of wearing prison dress, cleaning our cells, and exercising with criminals, that if Mr. Balfour was determined to treat us like brutes we were determined to show him we were men. Dr. Ridley used to say with a great deal of feeling—'It is monstrous and unnatural to be treating you like this, but what can I do?' 'I have a wife and family, and I have to earn a few halfpence,' was an expression that he often used. I confess that the wretchedness of everybody around was an aggravation of the state of things already existing. I told him again and again not be alarmed on my account—that I wanted no favour, and could accept none, and that so far as I could judge I could get on very well on bread and milk, and that whatever happened I could not blame him. It seemed to me that he was a kind, conscientious, and skilful man, but decidedly a weak and nervous man. Every official seemed to be under a superstitious terror of the power in Dublin—whether the Board or Mr. Balfour—they so suspected one another. When Dr. Barr called at the prison Dr. Ridley unquestionably told me that he had never laid eyes on the man before, and he had not the least notion who he was; that the man had given no name, and that even in the visitor's book at the gate his visit was simply entered under the initials of 'G. P. B.' I dare say it meant General Prisons Board, and meant that he came under the authority of the Board. When we were discussing his powers, as the doctor and I used to say his powers were absolute, he would say, 'Oh, I don't know the moment when I will have the unknown on my back'—by which he referred to Dr. Barr. The governor didn't know who the doctor was, and all the officials were canvassed as to his identity, and came to the conclusion that it was Dr. Barr."

Mr. O'Brien's sworn information about Dr. Ridley.

Incidentally in his evidence Mr. O'Brien gives a striking picture of the manner in which the Castle capitulated to himself on the clothes question :

"For three weeks," he swore, "after I got in the clothes I was every day and night prepared for an attack to deprive me of them. For more than a week after Mr. Balfour's letter, saying there would not be such an attempt, I was left sleeping in

The Castle and the clothes question

my clothes, for I never slept in the night, but only in the day by the fire. The police were patrolling up and down constantly outside, and I never slept an hour at night. I suppose fifty times during that period I pressed the governor and doctor to tell me frankly one way or other; but it was during the visit of Mr. Maurice Hickey, that the governor told me that no such attempt would be made, and then it was conditionally on my being in hospital. Then, and then only, on that undertaking, was I able to take off my clothes. Then, when the stolen clothes were returned to me, it was in the most extraordinary manner, bit by bit. One day I got my top coat; two or three days after, when there was snow on the ground, I got my coat. After that it was intimated to me that my linen shirt, that I never changed since I entered, would be washed for me, and next—six weeks after my imprisonment—the governor told me that the Prisons Board made an order, apart altogether from the doctor that I should be allowed to wear my own clothes during the remainder of my imprisonment. I regard that conduct as either cruel and barbarous, or as inconsistent and weak and vacillating on the part of the medical officers of the Prisons Board in general."

What a picture is here of resolute but merciful administration of the law! Mr. Lane, M.P., and Alderman Hooper, M.P., also gave evidence on the Ridley inquest.

The following letters, published by them in the *Freeman's Journal* early in August, 1888, were subsequently verified on oath at the inquest:

Mr. Lane writes, August 2nd, 1888:

Mr. Lane's
letter to the
Freeman—
interesting
facts. -

"During the time I was confined in Tullamore prison I got no exercise, as I would not comply with any of the degrading rules for ordinary criminals. Day by day my strength left me, owing to the confinement and want of food. When I was not on bread and water I was offered two disgusting compounds called 'shin soup' and 'suet pudding,' neither of which I could swallow, although I was starving. At the time I was very ill, but I would not admit it, as I wanted to force my right to private exercise as a political prisoner. Dr. Ridley begged of me several times to go into hospital, 'because,' said he, 'if you don't they will starve you to death here.' It is not in the power of the Prisons Board to injure him now, and as the Government are trying to shield themselves by traducing his memory, I have no hesitation in telling your jury what I told many friends after I came out of prison. When Dr. Ridley saw me sinking so rapidly, he said he could not give exercise, but he would give me food. On the following days he brought me some roast fowl, and on Friday he brought me three poached eggs, 'to keep the life in you,' as he said himself. Finally, when I became so prostrate that I could not rise off the flags, he said, 'I must either defy the Prisons Board or have an inquest on you, and as I don't want a verdict against myself for killing you, I will give you exercise in spite of them.' He left my cell, and in about half an hour the governor came in, accompanied by Mr. Alcock, J.P., of Cork, and informed me that Dr. Ridley had ordered me exercise by myself for two hours daily. I went out twice that day, and on the following forenoon, not being able to walk, I was given a stool in the yard. In the forenoon of the second day, Dr. Ridley came to my cell in a most excited state. He said he had 'got a terrible reprimand from Dublin' for allowing me out to exercise, that he 'had orders to certify that I was fit for punishment,' that the resident magistrate was to be brought in, and I was to be put into the punishment dungeon, which would certainly kill me in the condition I was then, and he asked me to go to hospital as the only way to escape them." He gave me ten minutes to think it over, and went to Alderman Hooper's cell. When he returned, he said he had told Alderman Hooper the whole story, and that the latter strongly urged me to conform to his (Dr. Ridley's) wishes. He brought me a password from Alderman Hooper to convince me that he had sent the message. I then consented to go into hospital, and Dr. Ridley said he would sleep easily that night, which he had not done for a week, on account of my dangerous condition. When I was leaving the prison I asked him how I could repay all his kindness? He said I could do so 'by letting the public know he was not the inhuman wretch the prison rules made him appear;'

but he warned me not to say a word that would let the Prisons Board know he was kind to any of us political prisoners. I did my best to carry out his wishes in the speech I made at Tullamore. I was sorry I could not do more, as I believe I owe my life to the way he protected me from punishment all the time he was there. He told me he was in perpetual conflict with the Prisons Board about the political prisoners since he refused to be present at the forcible stripping of Mr. O'Brien, which he reported would imperil his life. All the above I can prove on oath, if necessary, and Alderman Hooper can verify the most important part of it. Dr. Ridley was a most sensitive man, and as kind-hearted as he was sensitive. He was disgusted with the brutal discipline he had to administer, and I have not a doubt on my mind but that the unfortunate gentleman committed self-destruction rather than face the ordeal of admitting that he allowed himself to be bullied by Dr. Barr and the Prisons Board into punishing John Mandeville so severely. My mouth was practically sealed during his lifetime, but it is only due to his memory to protect it from the odium which his late paymasters and taskmasters seek to cast upon it by the evidence they are producing. Kindly read this letter for the jury who are inquiring into the cause of his death.—Yours truly,

"WM. J. LANE."

Alderman Hooper corroborates Mr Lane. He writes :—

"I can vouch for the entire accuracy of the statements made by Mr. Lane, M.P., as to the circumstances under which the late Dr. Ridley had him removed to hospital in Tullamore Jail. On the morning that he received the information which led to that removal, he came to my cell, and said that he had got into serious trouble with the Prisons Board, in consequence of having ordered Mr. Lane out to exercise by himself, that they had informed him he had no power to do so under the circumstances, and that Mr. Lane's exercise was to be stopped at once, unless he choose to take it with criminals. He added, that if Mr. Lane consented to go to hospital, the whole difficulty would be got over. It was evident from his tone, that he wanted my aid in an endeavour to induce Mr. Lane to be removed to the hospital. I replied that there was a great principle involved, namely—the power of the prison surgeon to order the necessary exercise for a prisoner at his discretion. He said that that was so, and that he felt the full force of my remark. I felt that I was in an extremely difficult and delicate position in offering advice. On the one hand, there was a great principle at stake; on the other, there was the health, probably the life, of one of my dearest friends, who, besides, owed the position he was now in, and the terrible suffering he had undergone, to his devotion to our friendship in stepping into the perilous editorial post which I occupied when I was sent to prison; for every one in the south of Ireland knows that to have been the true reason, while the ostensible reason was a passage in a seven weeks' old speech. The recollection of his haggard face, his bent body, doubled up from physical suffering, and his maimed gait, as he limped along the previous day in front of my cell door, through which I got a peep at him, and the thought of his poor bed-ridden father, then in his eighty-eighth year, and of his sisters, distracted at his sufferings, soon decided the course I should take. I advised that he should go to hospital, as I feared further detention in a cell would prove permanently injurious, if not fatal to him—advice which I am exceedingly glad I gave, as his friends could scarce recognise him when he was liberated, so altered was he by his sufferings—adding that the exercise question could be fought out in my case. The deceased thereupon asked me to give him a password that would convince Mr. Lane that the advice was really mine, and, in consequence, I gave him the name of my assistant editor, as a token which Mr. Lane would recognise. The poor fellow seemed overjoyed at the prospect thus afforded him of escaping the terrible position in which the Prisons Board had placed him. When leaving he enjoined the most absolute secrecy on me as to the action of the Prisons Board, and but for the unworthy attempt that is being made to represent him as a willing instrument in their hands, I should never have made it public. But this is not the only instance within my knowledge of the fear in which he stood of, what I may describe as the systematic official espionage to which he was

Alderman Hooper's letter to the *Freeman*. Corroboration of Mr. Lane's statements.

subjected in his treatment of us. I have not the slightest hesitation in saying that he sent me back to my cell from the hospital before my time through the operation of this fear. When breaking to me the intelligence of my intended transfer a few days after I had recovered from a severe attack of diarrhoea, brought on by the bread and water punishment diet, he did so appealingly, remarking that he had to safeguard himself against the visits of 'the mysterious doctor,' as Dr. Barr (whose name was unknown to us) was then described. As I acted throughout my imprisonment with the strongest desire that I should get no official into trouble, and as besides I detested the hospital, which was one of the most miserably depressing places it was my fortune ever to spend an hour in, I informed Dr. Ridley not to hesitate to remove me whenever he thought it necessary for his own safety. I can also say he felt deeply at a minute he got from the Prisons Board concerning his giving a miserable mattress to me, and at the ignoring of his order entered in his official book, that I should get exercise; and, be it noted, during this time both Mr. Lane and myself were in the same jail, lodged within a few feet of each other, and might have been sent out together as a separate class for purposes of exercise. So much did he feel the treatment I was being subjected to, that he offered me brandy, clandestinely. This I refused to accept, remarking that I was very grateful to him for the offer, but that in the event of the smell of brandy being found in my cell by some other official, it was not he but some poor warder that would come under suspicion, a danger which he at once recognized. My estimate of his character is the same as Mr. Lane's—that of a kind-hearted man, forced to perform official acts that were loathsome to his nature. He more than once informed me that there was not a man in the community, whatever his politics, that approved of my being treated as a common criminal, adding, on one occasion, that none of the numerous justices in the locality could be got to order us punishment, in consequence of which, one of Mr. Balfour's removables had to be called in to do that duty. I also entirely agree with Mr. Lane in believing that the poor fellow's suicide is due to the shame with which he apprehended a public confession at the inquest, that he allowed his own manlier and humaner instincts to be overborne, in the case of Mr. Mandeville, by Dr. Barr and the Prisons Board."

The jury at the Ridley inquest shamelessly packed.

With such evidence before them, the verdict the jury gave was inevitable, from men with a particle of conscientious principle remaining. The skill and care of the police in packing them proved utterly unavailing. Here is a verified analysis of the jury whose verdict Mr. Balfour has presumed to question:

1. The foreman of the jury, Mr. John Cotter, J.P., a Catholic Whig of the old school, anti-Nationalist.
2. Philip Routledge, Freemason, Protestant Conservative, hailing from the North of Ireland.
3. Edward Lennox, machine agent, Protestant Conservative from the North of Ireland.
4. Lloyd Wrymouth, Protestant Conservative.
5. J. W. Long, Protestant Conservative, a nephew of the proprietor of the Protestant and Conservative hotel in which Crown counsel and Crown witnesses were staying, and in which Dr. Ridley cut his throat.
6. James Rooney, ex-Sergeant-Major, Catholic; politics not known.
7. James Sheridan, baker, Catholic, anti-Nationalist.

8, 9, 10, and 11. William Hunt, grocer; Thomas Hickey, draper; David Hayes, draper; and John Baylor, Catholics, the only indication of whose politics we possess (a pretty accurate one in the south of Ireland) is that they were never members of the National League.

12 and 13. Edmund Burn and Thomas Rice, the only two Nationalists on the jury, admitted by the police, we are entitled to assume, because no other anti-Nationalists and no less prejudiced Nationalists were to be found in the town of Fermoy.

By the jury thus constituted, the following verdict was found:—

"That Dr. James Ridley, died on the 20th July, 1888, at Fermoy, from wounds inflicted by his own hand, with a razor, on the same day, whilst labouring under temporary insanity produced by the apprehension of disclosures at the Mitchelstown inquest, and that he was compelled to act in his official capacity in contravention of his own humane and considerate views. We beg to add," they continued, "our expressions of deep sympathy with Mrs. Ridley and Mrs. Mandeville in their affliction. We condemn the reckless and unfounded charges made by Dr. Barr against the medical men and poor Mr. Mandeville. We are of opinion that the charges made against Dr. Moorehead, are absolutely unfounded, and that his reports and visits had a beneficial effect."

The verdict of the packed jury.

The verdict does not require comment. The terrible disclosures and the emphatic verdicts at these two inquests, naturally produced, even in quarters most friendly to the Government, indignant criticism of the policy of torturing and degrading political prisoners, which Mr. Balfour had made so entirely his own. We have only space for a single extract from the first leader in the *Daily Telegraph* on the subject, just published after the Mandeville verdict—

"Nobody in private life," the *Daily Telegraph* editorial continues, "considers, or affects to consider, that Mr. Dillon, Mr. O'Brien, or others, are on a level with burglars or thieves. We know that their motives are quite different, and that the leader even of an insurrection may be an honourable and pure-minded man. We must also be ever ready to make special allowances for Irishmen. They read in youth the record of a generous and impulsive people who might easily have been won by statecraft and kindness, but who were treated with stupid brutality by the stronger nation at their side, their trade injured, their creed insulted, their liberties denied. In latter years they found themselves in a Parliament that granted nothing to reason, but everything to outrage and obstruction, thus tempting a whole people to the use of force. The sympathy of educated men for poor peasants, however, even when it goes too far, is not reprehensible. The ability and earnestness of many Parnellite members are enough to have won them fame and wealth in many non-political careers. We think, therefore, that to measure out to humane, hot-headed men, the same kind of degrading punishment that is awarded to rioters or moonlighters, is, to use the mildest language, a deplorable mistake."

The *Daily Telegraph* on Mr Balfour's policy

But neither the disclosures nor the verdicts seemed to have the slightest effect upon the spirits of Mr. Balfour. We find him shortly afterwards, in his speech to the coercionists at Glasgow, stigmatizing "the complaints of Mr. Mandeville's treatment as childish calumnies totally without foundation."

Mr. Balfour's fine sense of humour. Speeches at Glasgow and Manchester.

"There had been," he said, "a conspiracy to break through the prison rules. He saw nothing but what was comic in the whole proceedings." Was it credible that men with any sense of humour whatever, could suppose that Irish inde-

pendence was to be gained by living three weeks without changing one's shirt (laughter), or by sitting in one's bed in a blanket rather than wear prison clothes? The complaint that punishment followed these proceedings, was not worthy of a moment's consideration. Was it not plain to even the understanding of a Gladstonian Radical, that prison rules could only be maintained by punishment, and that if a man broke the rules he had no right to complain of the punishment which followed? But all these questions about trousers and blankets would have been absolutely nothing, unless they had been able to advertise their sufferings in the Irish Nationalist Press, and for that purpose Messrs. O'Brien and Co. had found two ready tools in the shape of two doctors."

Again, in Manchester, on October 19th, Mr. Balfour alluded to the subject of John Mandeville's death, and angrily denounced Sir William Harcourt and Lord Rosebery for the sympathy they had presumed to express. The allusion to Dr. Ridley's suicide is a fine specimen of Mr. Balfour's manner of dealing with facts:

"But while Sir William Harcourt—and this is the point of resemblance I wished to draw between him and Lord Rosebery—while Sir William Harcourt is deeply pained at what he is pleased erroneously to describe as my attack upon Mr. Mandeville's character, he has not hinted a word of condemnation of the Nationalists to blacken the character of a man for whose death they are undoubtedly responsible—namely, the late Dr. Ridley (cheers). They have been airing throughout the country this sham tragedy of Mr. Mandeville's death—a death which had no more to do with politics than any death that occurred in this city (cheers). But the real tragedy—the real political tragedy—of Dr. Ridley's death—they have been very silent about that; and yet a darker stain does not rest upon the Irish Party, or upon the English Party which backs them up ('That's true,' and cheers). That man was a victim to a conspiracy intended to bring into contempt, and intended to blacken the characters of the prison officials."

The fatal effect of Mr. Balfour's policy.

Two men, John Mandeville and Dr. Ridley, had, unquestionably, met their deaths directly through Mr. Balfour's prison policy, and through the enforcement of rules, since discarded and condemned, in deference to awakening public indignation. How many have been brought to death's door it is impossible to say. The less prominent the imprisoned Nationalist, the less hope there was for him of that publicity which was his sole protection. We have but space to quote briefly from published descriptions of the treatment to which other Nationalists were subjected. Our first extract will be from "The Prison Papers" of Mr. David Sheehy, published in a tidy little book, which we cordially commend to such of our readers as may be anxious to obtain a correct notion of prison life from the prisoner's point of view; a matter of almost universal interest to Irish Nationalists at present. The book is the more interesting from the modest, unassuming style in which it is written.

Mr. Sheehy writes—

Mr. Sheehy's brutal treatment—a leaf from "The Prison Papers."

"When in the cell the governor again asked me to strip, and volunteered the opinion that having protested against doing so it would be now more dignified of me to submit. I did not accept his views, and he ordered in the chief warder and four other officials. We had a rough half-hour's wrestle. I had my hands locked together. These they should open before they could take off my coat. I kept in a bent position, and, though the warders pulled and tugged at my clothes and hands with all their might, the hands remained firmly clasped, and I thought I would succeed in defeating them. Then came the order, 'Knock him down.' Two warders at once took me by the legs—one each—another at my back, took me by

the waist and lifted me off the ground : the two others, one at each side, helped to get me in a horizontal position.

"All had now room to work at me. One lying on my legs, held them, while another removed my boots. Two others held up my arms, while a third laboured at my clasped hands. That fellow meant to succeed. He took my thumb in his hand, and putting his thumb on the second bone of mine, pressed it as if to break it. The suddenness and violence of the pain caused the grasp of my hands to relax, and the other warders, seeing it, at once opened my fingers. My after-struggles were of no avail. Article after article of my clothes were dragged off, until the jailers were enabled to put the prison shirt on me. Then, leaving the remainder of the prison clothes in the cell, they withdrew to mop their heated brows and calm the agitation of their breathing.

"I cooled quickly enough. It was a frosty day. The window, which faced the north, was open, and out of my reach. There was no article of furniture in the room, so that I had nothing to help me to climb to the window to shut it. It was open for the two hours I was in that cell. Colder and colder grew my body. I felt the air about me as if I were standing in ice-water. My flesh grew a dark purple, my hands and feet numb."

Mr. John Roche, of Woodford, whose evidence excited so favourable an impression at the *Times* Commission, in a letter to the *Freeman*, published early in August, gives a detailed account of the neglect and suffering to which he was subjected in Galway Jail, which resulted in his discharge from the prison, when his life was almost despaired of.

Mr. John Roche.

We come now to the final stage of the struggle, when Mr. O'Brien, after his splendid speech, made under circumstances that lent it such special interest, in the heart of Mr. Balfour's constituency at Manchester, having been convicted in his absence, was hurried home to prison in Clonmel. We must be pardoned if we dwell at some length on this, Mr. Balfour's last desperate attempt to assert the policy of prison degradation, on which he mainly staked his reputation as a statesman. William O'Brien has himself assured us that he did not hope to come out of that struggle alive. He assumed that Mr. Balfour would not again have entered on the attempt to degrade him, unless he meant to carry it out to the bitter end, and Mr. Balfour's persistence meant for the prisoner submission or death. Therefore, Mr. O'Brien was prepared for death. The incidents of the Clonmel struggle have been, so far as it was possible for Mr. Balfour to accomplish it, wrapt up in falsehood. He has left no subterfuge untried to escape the shame of the attempt and the scarcely greater shame of the defeat.

The struggle in Clonmel

Mr. O'Brien prepared for death.

The details of his treatment in Clonmel prison, from 31st January to 5th February, were taken down from Mr. O'Brien's lips by Mr. Healy, and published by him in pamphlet form. The importance of the narrative to the subject matter in hand forbids the omission of a line :—

Mr. O'Brien describes the struggle.

"My statement to Mr. Condon, M.P., of the occurrence in Clonmel prison was very rapidly made ; I think it desirable, therefore, to re-state the facts.

"About eleven o'clock, a.m., on the morning after my arrival in the prison, the chief warder, Gough, entered my cell and said, 'Come to the doctor.' I followed him to the wide open court, stone paved. A gentleman was standing at a high desk in this open corridor. He did not salute me, nor in any manner inform

Discourtesy of
the doctor.

me who he was. His first words were, 'Open your vest.' I was obliged to ask him 'Are you the prison doctor?' He said, 'Yes,' and drew out his stethoscope. I opened my vest, and he placed the stethoscope to my chest, on the right and left side, as well as I can remember, without asking to have my shirt opened. He next said, 'Have you a cough?' I said, 'I should be very sorry to be personally discourteous, but owing to the past perversion on a former occasion of my communications with the prison doctor in Tullamore, I have no means of protecting myself against misrepresentation, unless to decline to make any communication as to my health, but you are at perfect liberty to examine me in every way you choose.' He said, 'That does not matter; open your shirt; your shirt is too stiff.' I then opened my shirt, and he examined me with another instrument—I believe a binaural stethoscope—after which he said, 'Put out your tongue.' I did so. He then struck me lightly on the stomach, and without another word put up his instrument. I had to ask him, 'Is that all?' He said, 'Yes,' and I turned back to the cell with the chief warder, who had been a witness of the examination, and who, like the doctor and myself, was standing in the corridor during the examination.

Was this legal?
See page 32).

"About five minutes afterwards the chief warder returned to my cell and said, 'We must force you to put on the prison clothes.' I asked to see the governor, who appeared to have been waiting outside the door, for he immediately appeared. I said, 'I have to ask that a doctor shall be present during any attack upon me.' He said, 'I cannot do that; you have passed the doctor.' 'Then,' I said, 'you will have to strip me by force,' or words to that effect. I placed my back to the further wall of the cell; three warders immediately rushed at me with the chief warder. The four seized me, and a violent struggle took place between us, the governor standing by. They succeeded after a struggle in flinging me on my back on the floor, dragging my clothes away meanwhile. When I was down, one man placed his knee on my chest, not, as I believe, brutally, but with a pressure that caused me considerable suffering. I heard some one, I think the chief warder, say, 'Don't hurt him.' The pressure was then relaxed, and I struggled to my feet again, and renewed the struggle, while my clothes were being torn off one by one. I was then flung down a second time on the floor; this time on my face. I continued to struggle with all my force, while they were dragging prison clothes on me, and from the struggle and exhaustion, I became so faint that they had twice to cease, in order to give me a drink of water. During this second struggle my strength was totally exhausted. I heard the governor give the order to have my hair and beard taken off, and I remember the first few dashes made at me with a scissors. After that I lost consciousness, and when I recovered, found my mouth full of hairs, and was propped up on a stool between two warders, who still held my arms. The governor said, 'Surely you have resisted enough now; you know it has to be done.' I said to him, 'You know little of me if you do not know that the struggle is only beginning now. The instant my hands are free I will fling those clothes off again.'

Mr. O'Brien
faints.

"While we were speaking, Alderman Hackett, one of the visiting justices, whom I did not know at the time, came into the cell. I was still gasping for breath, sitting on the stool between the warders. I told him, as well as I was able in my condition at the time, what had happened. He was greatly shocked; but it was not at my suggestion he went for a clergyman.

The attempt to
weigh Mr.
O'Brien.

"The warders having followed Alderman Hackett to the door, I instantly threw off the prison clothes. Three of them rushed at me again, and another struggle took place. They succeeded in forcing on some of the prison clothes again, seizing and twisting my arms all the time. In consequence of my resistance the chief warder told them not to mind forcing on the coat or vest this time. I again became so faint that they again put water on my lips, but continued to hold my arms while I stood leaning against the wall for a considerable period. So far as I can estimate the scene had by this time lasted half an hour.

"The warders continued to hold me for a long time, when the chief warder

said, 'Bring him along,' and I was immediately dragged to the door in my shirt-sleeves, and with my feet naked. No intimation whatever was given me that I was being brought to be weighed. Up to this moment the question of weighing had never been mentioned to me, either by the doctor or the warders, and I should never have made the slightest objection if I had known that that was their object. I was dragged across a large open space, which I since learned was the main hall of the prison. At the moment I was so stupified, and my bad sight made me so helpless (my spectacles having been taken from me during the struggle and not returned), that I had only the most confused notion of where I was being taken; my impression was that I was being dragged to a punishment cell. I said to the warders who had hold of my arms again and again, 'Where are you dragging me to?' They made no reply, but pulled me on to what I now believe was a weighing machine, beside which the governor and the doctor were standing. My legs and arms were dragged about the machine in an exceedingly painful way, and I then said, 'As long as you are treating me in this barbarous fashion I will submit to nothing except by force.' The governor said, 'Take him away.' They apparently gave up the attempt to weigh me.

"I was then dragged, still by the arms, in the opposite direction towards another cell, still under the impression that I was being brought to some other punishment. I was thrust into a cell in a different part of the prison, in which there was nothing except a stool.

"The moment I was left alone I threw off the prison clothes and retained only a shirt. They had not yet locked the door of the cell, but they made no further attempt to force the clothes on me, and left me alone. This was about half-an-hour before dinner-time—that is to say, a few minutes before twelve, as the Angelus bell in the town rang a few minutes afterwards.

Mr. O'Brien left naked.

"I was left alone the entire day and evening; neither the governor nor the doctor returned to the cell. Dinner was put in at a quarter to one—suet pudding and brown bread; and, at a quarter to six, a supper of brown bread, cocoa, and milk by the warder, without a word. Nobody else approached me except Father Everard, the chaplain, who arrived shortly after Alderman Hackett left.

"I remained until eight p.m. walking up and down the cell, with no covering except the shirt. The day was bitterly cold, and my teeth chattering; but I procured some warmth by lying on the floor, close to the hot-water pipes. I was unable to eat, but drank as much of the milk as I could.

"At eight o'clock, the usual hour for going to bed, a warder opened the door and put in a plank bed, without a mattress of any kind. He also brought in two single blankets and a quilt. I put one of the blankets on the plank, and the other, with the quilt, over me, and lay down. I did not sleep throughout the night. It was bitterly cold, but I got my head on the hot-water pipes and utilized that as a pillow (none being supplied with the plank). The plank bed.

"At a quarter to seven next morning, at unlock hour, a warder with a light in his hand, it being still dark at that hour, threw open the door and said, 'Get up.' I got up. He said, 'Clean out your cell.' I said, 'That I must refuse to do.' He said to some one who was with him, 'Remove the plank,' and the plank bed was taken out. I seized the quilt, but it was dragged from me. I said, 'Are you going to take that also?' and he said, 'Everything, as you won't clean your cell.' I said, 'As you please.' I was then again left alone in the dark, walking up and down in my shirt as before, with pains in all my bones from the violence I had received, and from lying on the plank. "Clean out your cell."

"When breakfast-hour came, cocoa and milk, with brown bread, were placed in the cell without a word.

"About half-an-hour afterwards—namely, about a quarter to nine a.m., as far as I can calculate—the governor and chief warder entered my cell. The governor said, 'You will kill yourself if you go on like this.' I said, 'If I am killed I

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Mr. O'Brien
defies Mr. Bul-
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will take good care that it is not I who will have the responsibility.' He said, 'You must know that there are prisoners who refuse to take food, and we are obliged to force them by putting mechanical restraints on them.' I said, 'There is not the least fear of that in my case, as I am perfectly determined to take all the food I possibly can.' He said, 'Of course I know you would not do anything of that sort; but if the doctor thinks your life is in danger by your remaining naked all this time, he will be obliged to order that you should be put under mechanical restraint to save you.' I said, 'I am in your power, and it is, of course, perfectly within your power to put any mechanical restraint you please upon me; but I warn you that you will have to continue it to-day, to-morrow, next week, next month, until you have me either dead or mad, or until you return my clothes.' He said, 'You know it is perfectly impossible for the doctor to order you your clothes to be returned.'

The Doctor
apologizes.

"They went away, and shortly afterwards the doctor entered the cell. I was under the impression, from the governor's communication to me, that he had come to order the mechanical restraints that were threatened. To my surprise he immediately began to express his regret that I was under the impression that he had treated me offensively. I said, 'Unhappily, the circumstances left me no other conclusion,' this applying as to his manner, as to the cursory nature of his examination, as to his curtness in dealing with me, and as to the extraordinary place and mode of the medical examination. He told me that he was suffering from a heavy cold himself, and that that might have accounted for his manner, and that the place was the usual place for examination of the prisoners. He immediately ordered in a bed. The governor asked, 'Will we bring the mattress?' and he said, 'Oh, certainly.' The plank bed, with a fibre mattress, was then brought into the cell, and I was allowed to lie on it.

Dr. O'Farrell.

"I lay there throughout Friday Saturday, Sunday, Monday, and Tuesday. On Monday a gentleman came into the cell with Dr. Hewatson, and introduced himself as Dr. O'Farrell, of the Prisons Board. He asked had I any complaints? I replied: 'It is extremely painful for me to have to seem uncivil, but I am in this cruel position, that almost anything I say to the officials is liable to be perverted against me, and they, even if they have the will, are not in a position to correct these misrepresentations.' He said, 'I can assure you that there is not the slightest danger of that in the present case.' I then answered his questions frankly. He asked me why I complained of the prison doctor. I told him precisely what I told Dr. Hewatson himself—that his manner at the time and the circumstances of the examination, followed immediately by the attack upon me, had undoubtedly led me to believe that he meant to be studiously offensive; but that his assurance, and his conduct since had satisfied me that my first impression was an erroneous one. He asked had I any complaints of the way in which the other officials had carried out their orders. I told him that it was not the officials I complained of, but their orders. I said, 'Of course, they used very considerable force and violence, and caused me very cruel suffering, but I admit that they did not use more force than was necessary, because I resisted with all my strength, and it was undoubtedly necessary for them to use very considerable force if they were to succeed in overpowering me. They did overpower me; but I do not charge that they did so with any wilful brutality or ill-temper.'

Mr. O'Brien did
not blame the
officials

"Dr. O'Farrell then asked me whether I objected to his examining me, and I said, 'Not in the least; neither to you nor to anyone else.' At the same time I told him distinctly that I was fighting this matter, not as a sick man, but as a political prisoner. I said, 'I will contend for nothing that the poorest or the commonest man convicted under the summary jurisdiction clause of the Coercion Act is not equally entitled to. With me it is not in the least a question of food, or even of treatment, but of classification. I told the officials before in Tullamore, and I am quite as willing now as then to carry out the proposition, that this whole struggle might be obviated by the simple expedient of making all prisoners convicted under the summary Jurisdiction clause of this Act a separate

'class.' Whatever their treatment might be, if this were done, I for one would not have the slightest objection to wear whatever prison uniform would be set apart for that 'class,' or to perform any menial offices whatever that would be imposed on my comrades. Those who think us criminals could think so still, and would have the satisfaction of punishing us as much as any ordinary criminals could be punished, while we would have it established that it was under this Act, and under this Act alone, that we were criminals; but the object of our present treatment clearly is to attempt to degrade and confound us with criminals. You are doing an unnatural and impossible thing, and it is because I believe that this treatment has only to be seen out to its logical end to make its continuation impossible that I am willing to undergo any penalties whatever in asserting my position.' To this Dr. O'Farrell made no reply, but assured me that the Prisons Board would consider my representations.

Mr. O'Brien asserts the principle of classification.

Noble words!

"Upon the following day my clothes were returned to me without comment. I was then transferred to an unoccupied portion of the prison, which was once the female hospital. Dr. Howston informed me that I was not treated there as a sick man, and I did not receive the hospital fare, but the ordinary food of a convicted prisoner, and I so continued to be treated until the morning of my departure for Tralee. I am convinced that if there is a sworn inquiry that none of the officials would question, in any important particular, the above statement of facts."

This account is briefly, but emphatically, corroborated by the evidence given by Mr. O'Brien at the bogus inquiry instituted by Mr. Balfour, and the accuracy of that evidence is not questioned by the prison official, Mr. Joyce, who presided. We are limited to a brief extract. Mr. O'Brien refused to "strip" in obedience to the rough order of the governor. He swears —

Mr. O'Brien victorious.

"Then four warders seized me, and, after what seemed to me a long struggle, flung me on my back on the floor, held me down, twisting my arms, while they tore off my clothes. I continued to struggle violently, and one man pressed his knee on my chest. My clothes continued to be pulled off one by one. I struggled again to my feet, another violent tussle ensued, when I was flung down a second time, this time with my face to the floor. Then I became very faint, and they gave me some water."

He goes on to say that the struggle continued on the floor, and adds—

"I was by this time utterly exhausted, and they gave me water a second time."

He then describes how the governor gave orders to cut off his hair and beard, which he resisted violently; and at this point he seems to have actually fainted, for he says—

"I cannot remember anything more until I felt my mouth full of hairs. I was then sitting on a stool with two warders holding me."

While this struggle was in full swing—while Mr. O'Brien was lying naked and almost delirious in his cell, Mr. Balfour was entertained by a group of "fearless," but anonymous, admirers at the Antient Concert Rooms, Dublin. Lest the names of any of the "gallant guests" should be exposed, the press were excluded; but we will quote briefly from the "official report" supplied to the newspapers. It is to be noted that the descriptive particulars, "roars of laughter" and "great applause," &c., are taken verbatim from the official report. Mr. Balfour, in the course of his speech, said—

The sworn inquiry. The orgie in the Antient Concert Rooms.

"I had the honour of receiving at about a quarter to one last night—(prolonged laughter)—a telegram from the Lord Mayor of Dublin—(renewed laughter)—which I allude to now because I take it it represents the Nationalist case with regard

to Mr. William O'Brien's treatment in prison; and in this document, the original of which I have got in my hand, I read—(I won't read it all)—'Illegal and brutal violence'—(laughter)—that isn't it—(laughter)—'unexampled indignation'—(laughter)—'system of attacking and beating down your political adversary by torture'—(laughter). No, that is not it. Here it is—'Mr. O'Brien has now been naked in his cell for thirty-six hours—(roars of laughter)—and to-night we learn that he is lying speechless, and that the prison authorities, considering his condition dangerous, have applied to you for instructions.' That, gentlemen, is the operative, the important, part of the telegram, which you probably have all seen in the *Freeman's Journal*, and which I shall have to allude to in quite another connection in a few moments. Now, I want to say to you that every single substantive statement in that passage I have read is wholly and absolutely incorrect (cheers). What has happened is this: Mr. O'Brien, after an Odyssey, which I won't further dwell on, was arrested in the ordinary course, and was taken to Clonmel prison. When he got to Clonmel prison he refused to allow—he threw every obstacle in the way of—any medical examination; he declined absolutely to be weighed—(laughter)—and, as he did not permit the doctor to form any judgment, from personal examination, of his case, he went through the ordinary process to which every prisoner is subject who offends against the law (cheers). This happened on Thursday. It might surprise some of you to know—some of you who read, if there are such, who read only Nationalist journals—it may surprise you to learn that I have not the control and management of all the prisoners in Ireland (laughter). The Prisons Board is not in my department; the questions connected with prisoners do not, as a matter of course, come through either my hands or the hands of the Irish Office, and therefore it is only under exceptional circumstances that any questions connected with any prisoner in Ireland comes before me. However, when I went down to the office on Friday the facts which I have just stated were brought before me, and I immediately proceeded to write a minute, in which I said that, of course, if Mr. O'Brien, having the prison clothes at his disposal, choose to stay in his shirt—(laughter)—and if he refused to submit himself to any medical examination whatever, any evil consequences to his health which might ensue he would be responsible for, and not us (hear, hear, and applause). But, at the same time, I said I did not think we ought to permit Mr. O'Brien to ruin his constitution for the purpose of injuring her Majesty's Government—(laughter and applause)—and I therefore gave directions that, as Mr. O'Brien would not allow himself to be medically examined, the reports made by Dr. Ridley and Dr. Barr upon Mr. O'Brien when he was in Tullamore jail should be sent down at once by special messenger to the doctor at Clonmel, so that in the light of these reports, and having learned what, in the opinion of the doctors who had examined Mr. O'Brien the condition of his health was, the doctor should most carefully watch Mr. O'Brien, and take care that no eccentricity of his should in any way risk injury to his constitution (applause). And in order that the fullest medical opinion possible should be taken on this important point the medical member of the Prisons Board has very kindly consented to go down and assist the doctor of Clonmel prison—a doctor in whom, I may say, I have every reason to believe that the State has a faithful and efficient servant (hear, hear)."

A lie.

Mr. O'Brien
victory con-
plete.
Mr. Balfour
retracts.

Within two days after Mr. Balfour was constrained to confess, in a letter to the papers over his own name, that the central statement on which his speech turned, "that Mr. O'Brien refused to allow—that he, threw any obstacle in the way of medical examination," was absolutely without foundation, and in Parliament he excused himself for the misstatement on the still wilder pretence that, at the time he made it, he had no information on the subject at all, but the very reports of the *Freeman* which he contradicted with such flippant audacity. In his speech in the Antient Concert Rooms, Mr. Balfour sees the end is approaching, and endeavours to evade the responsibility for the prison treatment,

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on which he prided himself to much in the opening of his official career! But English public opinion was now wide-awake. The sudden springing into life and the astounding growth and progress of the English National Protest was an omen not to be despised, and a few days later every right Mr. O'Brien claimed was accorded to him.

A last effort

But "the brave Mr. Balfour," as he has been described by the Chancellor of the Exchequer—whether ironically or not, it is impossible to say—was resolved to make one final effort before he completely surrendered. Mr. James Carew, M.P., had been sent to prison. Mr. Carew is, in manner and appearance, one of the mildest and the most gentlemanly of living men. He was the very last, it was stupidly believed, who would be likely to enter into a desperate physical struggle and prolonged physical suffering for a mere sentiment. It was hoped that Mr. Carew's ready submission would be an effective counterpoise to Mr. O'Brien's desperate resistance. But they caught the wrong man that time. After four days' struggle, Mr. Carew carried the day on every point. The following account, from the *Freeman* of the 21st day of March, 1889, gives a fair notion of the protracted sufferings to which he was subjected :

"It is not generally known how bitter a fight Mr. Carew waged with the warders of Kilkenny jail immediately after his conviction. On the day of his incarceration, the 21st February, he was lodged in a flagged cell, and, on refusing to change his own clothes for the prison garb, was at once pounced upon by a body of warders, who, after a fierce struggle, stripped him. An effort was then made to force the prison dress upon him, but Mr. Carew's determined resistance compelled them to abandon the attempt—not, however, until he had sustained some bad falls and bruises, the effect of which will in all probability remain with him for years. He was then left naked in his flagged cell, with its plank bed, and remained in that state from Thursday, the 21st, till the afternoon of Monday, the 25th. His condition becoming too serious to be pleasant for his jailers—Mr. Carew's resolution remaining no less fixed—they compromised the difficulty at the end of four days by throwing into the cell Mr. Carew's inside clothing, consisting of a pair of drawers and a vest. In this attire—light, it must be conceded, for the season of the year—the hon. gentleman remained for a week. Mr. Carew makes no complaint, says he is none the worse for what has passed, and declares himself amply compensated for all that happened by the failure of the prison people to "compel and induce" him to wear the jail dress. But it is apparent from his appearance that the desperate struggles he had with the warders in Kilkenny, and the cowardly indignity to which he was subjected for so many days—left in what Lord Salisbury, with statesmanlike effect, calls a state of 'tragic nudity' for ten days—have told upon him, and will leave their mark upon his system as long as he lives. Mr. Carew now wears his own clothes, having obtained them when he was transferred from Kilkenny to Kilmainham."

Mr. Carew in jail.

The enforced surrender to Mr. Carew was the last straw that broke the back of Mr. Balfour's obstinacy. The rules for compulsory wearing of prison clothes, and compulsory discharge of menial duties, to which John Mandeville's life was sacrificed, were finally, if reluctantly, amended (see pages 35 and 44).

Mr. Carew's triumph

It cannot be seriously questioned that for the vile system so long and so obstinately pursued Mr. Balfour was personally responsible. Apart from his confidence to Mr. Blunt, there was not merely a confession but a boast of his personal responsibility in his earlier speeches on

Mr. Balfour's personal responsibility

the subject. He used the first personal pronoun invariably.—(See part III.) He claimed in the House of Commons that of his own special grace, and in deference to (non-existent) Canon law on the subject, he exempted the imprisoned priests from the degradation of the prison costume. This statement was not strictly accurate, as the priests were only exempted after Father Matt. Ryan had repeatedly refused, in answer to command and menace, to don the convict garb. But it sufficiently illustrates the responsibility which Mr. Balfour then assumed.

Extraordinary
inconsistency.

As the prison policy gradually broke down under the storm of public indignation, Mr. Balfour took to sheltering himself behind the prison rules. The prison rules were, as a matter of fact, never observed. They fluctuated according to pressure. In the one detail of hair and beard cropping, the most wonderful diversity of procedure prevailed. Mr. Blunt, Mr. Dillon, M.P., and Mr. O'Brien, in their first imprisonment, were permitted, without a suggestion to the contrary, to wear their hair and beards. Messrs. Harrington, M.P., and J. Carew, M.P., were forcibly cropped and shaved, and Mr. O'Brien, in his second imprisonment, had his beard shorn as he lay insensible on the cell floor.

The present
state of the
question.

Mr. Balfour's insane attempt to confound political prisoners with sordid criminals, introduced not order, but chaos, unto the prison procedure. At present there is chaos worse confounded. Mr. Balfour had not the grace to confess himself beaten, and decently give in. He just skipped clear of the lash of public opinion, and stood still snarling. When Mr. O'Brien took up the struggle he announced his position in plain words: he would submit, he said, cheerfully, to any privation, but would resist to the death any attempt at degradation. There were three details of prison discipline on which he took a firm stand. He refused to wear the convict garb. He refused to do menial offices, and he refused to exercise with ordinary criminals. On each one of these questions he absolutely succeeded. Two of these rights have been conceded, with certain hampering conditions, to political prisoners (see pages 35-41). The political prisoner is now allowed to wear his own clothes, and exempted from degrading menial employment. But the third, and perhaps the deepest humiliation of the three—the association with degraded criminals—still remains in the "discretion" of the jail governor—that is to say, at the option of the Castle. Only the other day, it will be remembered, Father Stephens and Mr. Kelly, in Derry jail, were suddenly ordered to take exercise with the depraved "loyal and patriotic" insurance swindlers of Belfast, and their refusal to submit to the wanton degradation was followed by four days' vindictive punishment.

Father
Stephens, Mr.
Kelly and the
Belfast Insurance
Fraud
prisoners.

But it is the principle on which Mr. Balfour purported to ground the modifications of the prison discipline, that public opinion forced on him, that is specially objectionable. The false and cowardly cry was raised against Mr. O'Brien that he wanted to classify prisoners by their *wealth* or *poverty*. This vile distinction, which was farthest from Mr.

O'Brien's thoughts or wishes, Mr. Balfour has introduced, in the vain hope to escape the dilemma in which he found himself. A miserable class distinction.

The prisoners, under Mr. Balfour's altered *regime*, are classed, not according to the nature of their offences, but the amount of their money. The more wealthy criminals and the more guilty can purchase immunity from degradations to which the poorer and more innocent must submit (see page). There was cutting, though unconscious, sarcasm in the compliment paid in a letter in the newspapers by one of the wealthy Belfast swindlers to "the sagacious Mr. Balfour," by whose intervention he was permitted to parade the prison in the silk hat and broadcloth of respectability—by whom, to borrow the language of the letter, he was "enabled to preserve his self-respect, was distinguished from the ordinary jail-birds, and made to feel that, though amongst them, he was not of them!!" The "sagacious Mr. Balfour" must have felt that "praise from such a source was praise indeed."

The Aberdare Prison Inquiry Committee was a mere hollow pretence to cloak Mr. Balfour's enforced retreat from an untenable position. The Aberdare Committee. The Committee were absolutely precluded from entering at all on the question of the treatment of political prisoners as a class, which was the one subject on which the intense interest of the public was aroused (see pages 42, 43). It was a Committee specially selected by Mr. Balfour as one to be thoroughly depended on, yet in the opening statement of their report, the Committee wriggled uneasily in the bonds in which the "brave" Balfour had securely tied them.

They reported to their master as follows : —

"In the letter of the 11th April, 1889, defining the character of the inquiry, you stated that it was not proposed to refer to the consideration of the committee the classification of prisoners 'according to the real or supposed motive of their offence.' To this direction we have *endeavoured* to conform, and though we have been unable to suggest any alterations in the existing practice altogether unconnected with the general character of the offence for which the imprisonment is inflicted, we make no suggestions or recommendations founded upon the real or supposed motives of prisoners."

Here is a suggestion, as plain as words can make it, that "the motive" would have been a proper and natural, if not the only proper and natural, subject for their consideration, and that the "character of the offence" could not be passed over if the inquiry were to have any meaning at all (see page 44). The Committee did not recommend the extension of the modification of the rules to England where political prisoners' visits to the jail are like angels', few and far between. They visited with outspoken censure the spasmodic clipping and cropping of Mr. E. Harrington in accordance with the directions from head-quarters.

In one part of their report the Committee were, by implication, at least, somewhat rough on the eminent constitutional Judge O'Brien, who, in consideration of the loyal and patriotic services of the Belfast forgers, limited their sentences to six months' imprisonment, and on "the sagacious Mr. Balfour," who, as the forger gratefully confessed, distinguished them by many privileges from "the ordinary jail-birds." So far from following The Committee denounces the lenient treatment of the Belfast forgers.

in the same lines, the Lord Aberdare Committee strongly recommend that all criminal whose crime "savours of fraud," no matter how wealthy, respectable, loyal, and constitutional, shall be excluded from the privileges of the modified rules. But the Belfast forgers and swindlers, who included the most devoted admirers of Mr. Chamberlain, and the secretary and promoter of his meeting, Mr. Chesnutte Smyth, have no grounds for complaint. A sympathetic Coercion judge inflicted a sentence that, considering their crime, was almost nominal, and the sagacious Mr. Balfour, as they gratefully confessed, lightened their brief term of imprisonment with too numberless indulgences.

The Committee
on prison dress.

There is one passage in the report of an importance which, we fancy, was hardly realized by its authors. They are dealing with the question of convict garb, against which such a vigorous and successful protest was made by the Coercion prisoners, and they emphatically declare—

"Whatever may have been its original intent, this dress has too long been associated with all that is vile and contemptible to be assumed by lesser offenders without a sense of degradation, and a shock to the self-respect which should never be necessarily inflicted."

Mr. Balfour's own Committee thus openly and boldly justifies the sentiment for which the Irish political prisoners were tortured so savagely, amidst the ribald jeers and jibes of cowardly Coercionists, headed by the Prime Minister and his nephew, who ridiculed the notion of men lying naked in their cells. It was for courageous protest against this "degradation and shock to self-respect that should never be unnecessarily inflicted," that Mr. Wm. O'Brien, Mr. Carew, Mr. Sheehy, M.P., and a host of others suffered, and the indomitable John Mandeville died. "That the degradation and shock to self-respect" was "unnecessarily inflicted" the report itself, which condemns and recommends the discontinuance of the practice, is the clearest proof.

Mr. O'Brien's
letter to the
Secretary of the
Aberdare Com-
mittee.

Mr. O'Brien's trenchant letter to the Lord Aberdare Committee, which invited his evidence, vigorously summarizes the present position of the question, and fitly concludes my observations:—

"SIR—I received yesterday, at the House of Commons, your letter of 22nd May, inviting me to give evidence before Lord Aberdare's Committee on Prison Rules. If Lord Aberdare's Committee were empowered to consider frankly the question whether political prisoners ought to be treated in the same way as burglars and garroters, I should willingly give them any assistance my evidence might afford them. I understand, however, that their letter of instructions restricts the Committee to the two minor points of hair-clipping and wearing criminals' uniform, and that these are to be reported on only in reference to personal sanitary considerations, and not in reference to the distinction between political offences and disgraceful crimes. I must respectfully decline to have anything to do with an inquiry so circumscribed. The two points in question (and others) have been settled already by the pressure of public opinion. The formal provision for them in the prison rules is a departmental question with which the public are not concerned. If those who control the Irish prison authorities desire to re-open these particular controversies, public opinion must decide again between them and us. I must take leave to remind you how this matter stands. Compelling prisoners to wear an ignominious uniform may be (and in my opinion is) a quite proper mark

of degradation in the case of offences which deserve degradation. The whole The question
 question at issue is, whether the degradations which are proper in the case of the at issue.
 vilest criminals are equally proper in the case of persons imprisoned for the
 purposes of a temporary Parliamentary majority? Mr. Balfour undertook that
 there should be no distinction. The corner-stone of his policy was that his
 adversaries in Ireland should be treated as, and made to feel themselves, criminals.
 He found that this process of levelling us down was, in his own phrase, 'injuring
 the Government.' In the attempt to avoid the appearance of yielding, he then
 fell back upon the still more indefensible course of levelling up, by giving to
 governors of prisons an arbitrary power of discriminating between prisoner and
 prisoner upon objectionable personal grounds. The consequence is, that men
 guilty of heinous frauds have been exempted from convict dress and head-shaving
 because they had powerful friends, while the humbler class of political offenders
 continue to be subjected to these indignities, because their sufferings do not
 attract sufficient notice to 'injure the Government.' The result of all this, and of
 the incessant vacillation of the Government with respect to the matters of prison
 labour, separate exercise, &c., according to the amount of resistance offered, has
 been a state of chaos in the Irish prison service. Into the real cause of that chaos Chaos.
 your Committee are now forbidden to inquire. You are asked to seek the causes
 in trivial personal and sanitary considerations, to which nobody attaches the
 slightest importance, while you are required to ignore the distinction which
 everybody, except Mr. Balfour, has been brought to recognize as one ingrained in
 the human heart and conscience. Under these circumstances, I regret to be
 obliged to decline to be a party to an inquiry so futile; and I have respectfully Refuses to give
 evidence.
 to request that if any use should be made of my name in the course of the
 evidence, you will be good enough to embody this letter in the proceedings of
 your Committee.—Your obedient servant,

"WM. O'BRIEN.

"Arthur Griffiths, Esq.,

"Secretary to the Committee on Prison Rules,
 "Whitehall."

M. M'DONNELL BODKIN.

Part XXX.

MR. BALFOUR'S DEFENCE IN PARLIAMENT.

How Mr. Balfour's promises are kept.

In the debates on the Criminal Law and Procedure Bill, it will be observed that Mr. Balfour promised an appeal in every instance from the sentences of the resident magistrates, and even of those of the county court judges. But this pledge, deliberately made in the face of the House of Commons, was with equal deliberation flagrantly broken, because of the protests of two of his supporters, Mr. Forrest Fulton and Mr. Baumann, whose letters in protest will be found extant in the *Times* immediately afterwards. All debate on the treatment of prisoners under the Bill was shut out by the *closure*, and thus it was that at no time during its passage was the slightest consideration given to the subject by the Government.

On the 17th May, 1887 (*Hansard*, vol. 315, page 284), Mr. Balfour, in the House of Commons, said:—

“The law of conspiracy was an obscure law. It is said that it is a difficult law, which is capable of dangerous extension, and that we are leaving its administration to men who are not learned in the law—namely, the resident magistrates. But the right hon. gentleman (Sir William Harcourt) forgot to say that the resident magistrates' decision is not final.”

Mr. T. M. Healy.—“He may give a month's imprisonment.”

Mr. Balfour promises appeal in every case.

Mr. A. J. Balfour.—“I do not complain of the interruption. The hon. and learned member is quite correct in saying that under the Bill, as we have drafted it, we may have followed too closely the Act of 1882, and that by the existing law of Ireland there is no appeal if the imprisonment is for less than a month. *But we propose to give an appeal in every case.*”

Mr. T. M. Healy.—“With no cumulative sentences?”

Mr. A. J. Balfour.—“There will be an appeal in every case to a county court judge, and if on legal technicalities the county court judge is objected to, the Government will be prepared to consider a plan for giving an appeal, in cases in which a legal difficulty may be involved, to a higher tribunal. Therefore, no weight is to be attached to the argument of the right hon. gentleman, that those who will have to administer the law in the first instance will not be trained and competent lawyers.”

On the 2nd September, 1887, before the Act came effectively into operation, the treatment of prisoners under it was raised on the Prisons' vote—(*Vide Hansard*, vol. 320, page 1043), when the following speech was delivered by Mr. Balfour:

Mr. Balfour defines his position

The Chief Secretary for Ireland.—"I sincerely hope the hon. and learned member will not have to undergo the disagreeable incidents to which he has alluded."

Mr. T. M. Healy.—"That is not the point."

Mr. A. J. Balfour.—"It is a point to which the hon. member himself made reference, and that is why I refer to it. The policy upon which we have proceeded is simple. We are not of opinion, and I have never had the opinion, that prisoners under the Act require exceptional treatment. We consider that every man who is an offender under this Act, and condemned for his offence, ought to have been condemned under the ordinary law; and if he was not so condemned, it was because of a failure of the machinery of the ordinary law, not that there is any difference in substance between the old law and the new. The offences are substantially the same, and I do not see any ground for altering the treatment of those who come under the operation of the law in one way or the other. I have made it my business to inquire into the treatment of prisoners, and to find out whether the treatment is the same in Ireland as in England, and I find it is under similar circumstances. I cannot suggest that any alteration in the Irish prison discipline should be made in regard to one Act. If the discipline is wrong in one country it is wrong in both, and we ought to deal with it as a whole, in relation to the criminal law, as a whole, and not in reference to one criminal Act. The hon. and learned gentleman has attempted to draw a distinction between Members of Parliament and ordinary criminals."

"The discipline under the old and new law should be the same. There may be grounds for changing that discipline in the prisons of England and Ireland; but if that be the case, it is more or less because of the passing of the Crimes Act; it is a question to be dealt with on its merits. I have inquired into the Irish system of prison discipline, to ascertain if it differed from the English discipline, and I find there is no difference—it is the same. Under these circumstances, I see no ground for making a special inquiry into the Irish prison discipline, though I am perfectly ready, on the part of the Irish Executive, to enter into an inquiry into the whole system of prison discipline in England and Ireland."

Ready to grant general inquiry.

On the 13th September, 1887, in reply to a question (*Hansard*, vol. 321, page 490) Mr. Balfour said:—

"The prison rules, under which sentences will be carried out under the Crimes Act, will be precisely identical with the prison rules used under ordinary circumstances. No special system of release for prisoners suffering ill-health will be adopted; but I will make every effort to see that no person suffers in health."

Says he will see no prisoner suffers in health

On the same date, in a debate upon the Appropriation Bill, Mr. Balfour is thus reported in *Hansard*:—

"As to the treatment of prisoners, he regretted to observe that the hon. member for East Mayo (Mr. Dillon) had left the House, and he would not advert, as he should otherwise have done, to the unfortunately violent tone which characterized too large a portion of the speech which the hon. gentleman had addressed to the House. The contention was that an entirely different treatment ought to be applied to so-called prisoners under the Crimes Act to what was applied to ordinary prisoners. [Mr. Brunner—Hear, hear.] He thought the hon. gentleman who cheered was not a member of that House during the discussion of the Act, or he would have known that not only the opinion of the Government, but also of every competent lawyer who had pronounced an opinion on the matter, was that the Act dealt solely with offences which were already offences under the existing law. Persons, therefore, who offended against the

Speech on Appropriation Bill, 1887.

Why not ?

Crimes Act offended against the ordinary law, and the only difference made by the Act related to the machinery by which they were tried. There appeared to him to be no adequate justification for different treatment of these persons under condemnation. *He entirely conceded that political offences ought to be distinguished from offences that were not political, but the Government did not propose to deal, and would not deal, with offences which were political under the Crimes Act any more than under the ordinary law.* Part of the speeches against prison discipline were aimed at the whole existing system, as it applied to every kind of prisoners. That might be a very proper subject for Parliamentary inquiry. He did not profess to have any knowledge of the subject. He had never been brought in contact with it, nor had he ever made it a special study; but if the question of prison discipline was to be dealt with at all, it ought to be dealt with with regard to England and Ireland at the same time, and not simply with reference to any particular Act of Parliament or any class of prisoners. It might be that prisoners were treated too harshly. By all means, let Parliament make inquiry. No one would rejoice more than he if such an inquiry produced a reform, if that reform were needed. What he had always said was that he should always, to the best of his ability, see that precisely the same system was adopted in Ireland as in England, with regard to all prisoners who came under the law. The hon. and gallant member for North Galway (Colonel Nolan) tried to draw a distinction between educated and uneducated prisoners, and between those who had been accustomed to manual labour and those who had not. He was perfectly ready to concede that the same punishment might be a very different punishment to one man and another; but he was unable to say whether any distinction of the kind was actually made in prison. That, however, was not a question which came up only with regard to the Crimes Act: it came up with regard to the ordinary law, and in quite as striking a manner. Everybody knew that the criminal classes were not entirely composed of uneducated persons and those accustomed to manual labour. If there was any injustice in regard to these matters, by all means let it be redressed, not only in connection with persons condemned under the Crimes Act, but also in connection with others who were condemned under the ordinary law in England. Hon. gentlemen opposite had dwelt at great length on the hardships of prison discipline. He wished they and their friends in Ireland had always recollected those hardships when they were discussing the Crimes Act at public meetings; but in speech after speech they told the unfortunate peasantry in Ireland that the Crimes Act would not have any terror for them, for, after all, they would be better off in prison than outside of it. How that kind of exhortation was consistent with the speeches just made in the House a man must have a great deal of ingenuity to discover. The hon. member for East Mayo went the length of accusing him of so contriving matters as to put the hon. member for North-East Cork (Mr. William O'Brien) in prison for several days before trial out of a feeling of personal spite, and of personal vengeance, which he was supposed to entertain on account of certain articles in *United Ireland*. He thought at first that the suggestion was a grim joke until he recollected that in Monday's debate the hon. gentleman (Mr. Dillon) gave the House to understand that he was himself so moved and influenced by articles in *The Times*, that he found it almost impossible to refrain from, as it were, giving practical contradiction to those articles by refusing to use his influence to disperse meetings peaceably in Ireland. Well, if the hon. gentleman felt newspaper criticisms so acutely he could well imagine that the attributed the same sensitiveness to him. If that were true, he (Mr. A. J. Balfour) would have an even more uneasy time of it than he had at the present moment. But he could assure the hon. gentleman that no articles he ever read, either in Irish or in English newspapers, had ever given him a moment's uneasiness or the least desire to inflict vengeance upon an editor. The main contention of the hon. gentlemen who had spoken on the question was that the Government ought to draw a wide distinction between political and other offences, and the hon. and gallant gentleman (Colonel Nolan), who was the first to raise this point in the House, said a broad distinction might be made if by political offences they meant speeches and writings, and by ordinary offences they meant actions. He asked the House to consider for a moment what that position amounted to. It meant that

Reply to an accusation by Mr. Dillon.

Mr. Balfour impervious to newspaper criticisms.

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those persons who conceived it to be their duty—most unhappily and wrongly conceived it to be their duty—to urge the Irish peasants to commit ordinary offences, for which they would be treated by punishment under the ordinary law, were to receive a far less share of punishment than those whom they practically drove to the commission of crime. He could hardly believe that hon. gentlemen who urged that contention were serious. He could understand that a perverted sense of public duty might induce hon. gentlemen to urge the Irish peasants to the commission of crime, but he could not conceive that they should come down to the House and ask the House and the British public to treat those who provoked to crime in a different manner from their victims. He could hardly believe that they seriously contemplated the proposition which they asked the House to accept. *For themselves—those who were going to make the speeches—they asked one measure of justice, and for those who were going to be the dupes of their speeches, another measure.* He believed that when the line which those hon. gentlemen were taking was thoroughly understood in Ireland, it would hardly conduce to the continuance of the confidence, with which, doubtless, they were now treated by their followers in that country."

Confesses rectitude of motive of Irish members.

Perversion of argument. (See pages 30 and 31.)

During the entire of the year 1888, questions were continually raised upon the subject in the House. In November, 1887, Mr Wm. O'Brien, M.P., and Mr. Mandeville were first imprisoned, and their treatment gave rise to many indignant protests during the Recess. While they were confined in Tullamore Jail, Mr. C. J. O'Donel, the respected police magistrate of Dublin, who had to sentence the Lord Mayor (Mr. T. D. Sullivan) in December, 1887, for publishing in the *Nation* newspaper the reports of suppressed branches of the Irish National League, ordered that the accused be confined as a first-class misdemeanant. This gave rise to much discussion, and it became notorious that under the Prisons Act, 1877, every tribunal had full power thus to mitigate the sentence; but from that date to the present no R.M. has ever ordered a prisoner to be detained as a first-class misdemeanant, thus showing a distinct policy on the part of the Government to inflict harsh and degrading punishment on political opponents sentenced under the Coercion Act, resident magistrates being, with the exception of the police magistrates of Dublin, entirely under the control and subject to the orders of the Executive. And in his speech at Birmingham, 1888, Mr. Balfour gave a very plain hint to the magistrates not to allow appeals, one or two of the county court judges having modified the sentences of the resident magistrates by prescribing detention as first-class misdemeanants. In Ireland no sentence of one month or under can be appealed from, and for a long period during the administration of the Act sentences of one month, or two cumulative sentences of one month on various charges, were given in order to defeat and shut out all appeals.

Mr. Balfour's position in 1888.

A shameful trick.

Toward the end of 1888 Mr. Balfour, under the pressure of public opinion, gave the first sign of yielding on the subject. On the 18th December, 1888, in a debate in the House of Commons on the Civil Service Estimates (*Hansard*, vol. 332, pages 738 to 743), the Chief Secretary said:—

Speech, 18th Dec., 1888.

"The right hon. gentleman (Mr. Sexton) had challenged him to say under what statute it was justifiable to use violence to compel a prisoner to substitute prison clothes for his own clothes. The state of the law, he was advised, was this—that certain rules having been laid down for the discipline of the prison, it

Mr. Balfour and
the priests.

Observe the use
of pronoun.

Evasion.

An evasion. The
relation be-
tween motive
and crime is
dealt with in
the court. The
judge, not the
jailer should de-
cide whether a
man should be
a first-class mis-
deamant or
not.

was justifiable, and not only justifiable, but obligatory on the prison authorities, to use that degree of force, and no more, that might be required to enforce obedience to the rules so laid down. No evidence had been adduced by the right hon. gentleman, or by anyone else, which would lead him to believe that more than that necessary amount of force had ever in any case been used with regard to any prisoner in Ireland. So much for the question of compelling prisoners to wear prison clothes (see page 32). The right hon. gentleman had discussed the question of his (Mr. A. J. Balfour's) responsibility with regard to the framing of prison rules which had been given in the case of two priests who had been imprisoned in Ireland in recent years. The right hon. gentleman very naturally discussed the relaxation of the rule under which priests were not compelled to wear prison dress; and he asked him on what possible principle he had gone so far as he had gone; and if he had gone so far as he had, why had he not gone farther? He attempted in the very brief answer he gave that day in reply to the right hon. gentleman the member for Newcastle (Mr. John Morley) to explain his position in the matter. Both the right hon. gentleman, the member for Newcastle, and the right hon. gentleman, the Lord Mayor of Dublin (Mr. Sexton), had informed him that he was not correct in saying that priests were not canonically obliged to wear the dress of priests. He quite admitted that he was not an authority on canonical laws, and he bowed to those who had superior knowledge; but though he was wrong, he doubted not, upon the canonical obligation of a priest to wear ecclesiastical dress, there could be no doubt from the speech of the right hon. gentleman (Mr. Sexton) himself, that he (Mr. A. J. Balfour) was right upon the view he took in regard to the attitude which would be taken by Catholics on the question of compelling priests to wear prison dress; because the right hon. gentleman had stated that he (Mr. A. J. Balfour) was too prudent—in other words, too much afraid—to make priests wear prison dress in Ireland. The charge of cowardice was not one usually levelled at the Government of Ireland. But, at all events, the right hon. gentleman's phrase proved that the priests themselves, and those who shared the same religion, would be deeply moved by the fact that the priests had to put away the garbs or robes which differentiated them from ordinary laymen, and to put on prison clothes. That was all he desired to say to justify, in so far as he might justify, the action he had taken in this matter. *He* had never pretended that the course *he* had pursued was free from doubt and difficulty; but, on the whole, balancing the pros and cons as carefully as he could, he came to the conclusion that the relaxation was a justifiable relaxation, and though hon. gentlemen had not hesitated to challenge the course he pursued, and had not shrunk from trying to make his position in the matter difficult because he departed from the ordinary rules, they had not yet said anything in the debate which either convinced him that *he* was wrong in going so far as *he* had gone, or convinced him that *he* ought to have gone farther. He absolutely declined to make any further relaxation in the rules in favour of priests. The right hon. gentleman asserted that he had made relaxations in the case of priests because of their elevated social position, and he founded upon that an argument which would carry with it the necessity of dealing leniently with everyone who held an elevated social position. [Mr. Sexton dissented.] He had not the least desire to press that, if the right hon. gentleman did not think that his phrase, 'elevated social position,' could be used to bring within the circle of relaxations any other class of the community. The right hon. gentleman, through the whole of this part of his speech, seemed to assume that because these gentlemen were alleged to have broken the law through their sense of duty they should be treated differently from ordinary prisoners. But the right hon. gentleman would see that if that principle were to be carried out it would profoundly modify prison discipline, not only in Ireland, but in England. The governors of prisons would have to consider not merely what a man had done, but what were his motives in doing it—not merely what the sentence inflicted by the court was, but how it should be modified by the Executive in view of the intentions with which the prisoner had committed the offence."

Mr. Sexton—"And seditious libel.

Mr. A. J. Balfour—"By statute, undoubtedly, sedition and seditious libel were treated peculiarly; but there were many offences besides sedition and seditious libel which were committed by the offender on what the offender supposed to be conscientious grounds. The illustration he had used before was as good as any other. It was the illustration of those who declined to obey the Vaccination Acts. Could there be a clearer case of violating an Act of Parliament on conscientious grounds? The persons to whom the right hon. gentleman alluded, who committed crimes in Ireland, were persons who might, no doubt, have committed offences on conscientious grounds, or they might not; but a person who refused to have his child vaccinated could, by no possibility, be actuated by any motive of self-interest. He must do it from a conscientious belief that he would be ruining the health of his child if he had it vaccinated. Therefore, if any class of the community ought to have relaxation of prison discipline extended to them surely it should be that class who refused to obey the Vaccination Laws." [An hon. member—"So they ought."] "Yes, but it had never been done, nor in all the vaccination debates he had listened to in the House of Commons had he ever heard it asserted that if a man was committed to prison he should be committed under different regulations to those which applied to other prisoners. Many men had contended that such persons ought not to be sent to prison; but no one, so far as he knew, had ever yet contended that, if they were sent to prison, the rules applied to them should be of an entirely different kind to those applied to other prisoners. The right hon. gentleman would recollect that he (Mr. A. J. Balfour) did not admit, and had never admitted, that there was any distinction in criminality between those sent to prison under the Crimes Act and prisoners under the ordinary law. He did not desire to argue that point now; but, as the right hon. gentleman based a large part of his argument upon it, he thought it necessary to enter his caveat that the procedure by which crime was brought home to the guilty was undoubtedly different under the Crimes Act to what it was under the law which prevailed in England, and used to prevail in Ireland. The law itself, for the breach of which the people were punished, was not in any essential particular different from that under which the inhabitants of England and Scotland lived. He regretted the right hon. gentleman should have condescended to suggest that imprisonment under the Crimes Act was an easy method of getting rid of a political opponent. The right hon. gentleman must have been perfectly aware that in uttering that phrase he descended to a mode of argument less reputable than that to which, to do him justice, he usually confined himself in the House. He must be perfectly aware that to assert that any Government, Tory or Radical, could contemplate imprisonment as a convenient method of breaking down the health or destroying the life of a political opponent, was a grotesque contention to resort to in the English House of Commons. Apart from generalities, they must be aware that the prisoners, whom the right hon. gentleman described as political, who had been put into prison under the Crimes Act, had been treated with extraordinary consideration, and that if there had been any departure whatever from ordinary prison treatment in their case, the departure had always been on the side of leniency. The hon. member for North-East Cork himself—who had, so to speak, led the attack on the present question—was a standing example of the manner in which the prison rules had been applied in Ireland. The hon. gentleman had been treated in hospital; his health had been most carefully looked after, and he had been treated with every consideration. Moreover, he believed that a colleague of the right hon. gentleman, the hon. member for East Mayo (Mr. Dillon), was never out of hospital for a single day while in prison, and considerable trouble was taken to see that the particular maladies from which he suffered should be treated not merely according to the advice of the prison doctors, but according to the best advice which could be got. Therefore, those criticisms came from the right hon. gentleman with a very ill grace. Some of the right hon. gentleman's colleagues must be perfectly well aware that, if the prison rules had been modified at all in connection with them, they had certainly not been modified in the direction of making them harsher. He had

Mr. Balfour's
crocodile
sympathies
with anti-
vaccination.

Why were they?
Because their
offences were
political

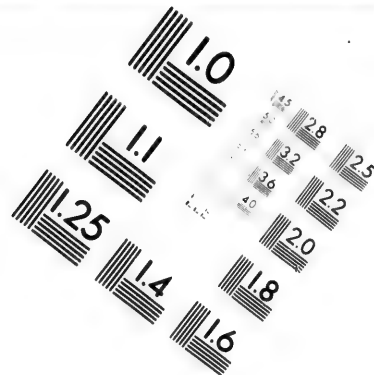
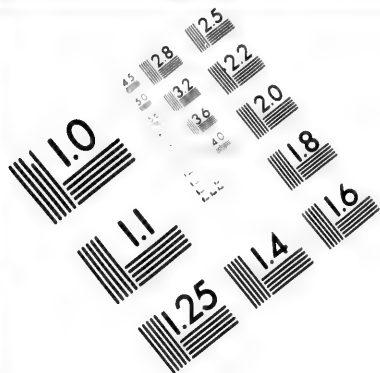
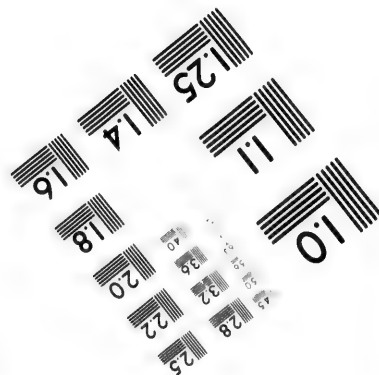
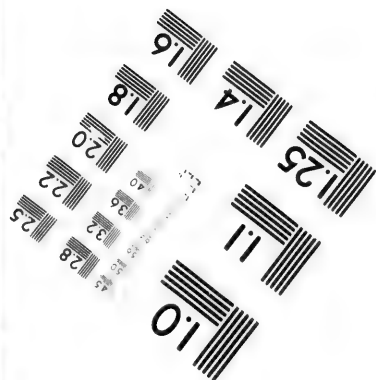
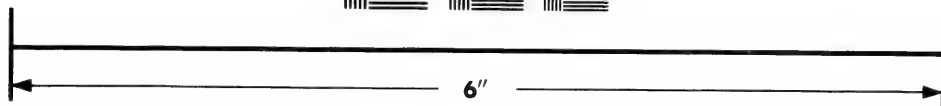
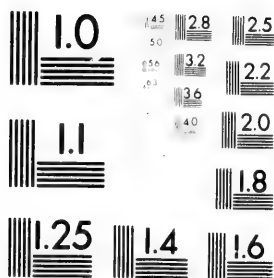


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Read Report of
Devon and
Kimberley
Commission on
Association—
Part I.

never said in the House that he was an authority on prison discipline, nor had he ever pretended that he had looked into the question from any independent point of view. He had rested his position upon this particular issue. If they thought the prison rules should be modified in Ireland in relation to so-called political prisoners, they must modify them in regard to ordinary prisoners also; and if they thought they should be modified in connection with ordinary prisoners in Ireland, they must be modified in connection with ordinary prisoners in England; and they must modify them in England before they modify them in Ireland, because the prison rules in England were stricter and harsher than the prison rules which applied to Ireland. When hon. gentlemen opposite came forward and moved for some general inquiry into the whole method of prison treatment throughout the United Kingdom—not in connection with one particular class, not in connection with one particular party, not in connection with their own friends—then he was perfectly ready, as far as he was concerned, to say that he had no objection to the inquiry. He could only add that the rules under which prisoners in Ireland at this moment were treated were not antiquated rules, but they were rules recently revised by a Royal Commission, and he could not conceive that if they were to appoint a new Royal Commission to inquire into the operation of the prison rules of England and Ireland, such a commission would see any ground whatever for modifying the decisions which had been arrived at by their predecessors, or that they would think it consistent with their view of the method in which prison discipline should be regulated in the United Kingdom to make any change of an important character in the rules which governed, at the present time, not Irish prisons alone, but English, Scotch, and Irish prisons."

The treatment as ordinary criminals of political opponents such as Mr. Sheehy, M.P.; the Messrs. Redmond, M.P.'s; Alderman Hooper, M.P.; Mr. Lane, M.P.; Mr. Fox, M.P.; and Mr. Condon, M.P., and many others, for open and advised speaking, had by this time roused a strong feeling in England, and several Conservative members expressed themselves against the needless degradation of Irish representatives. In February, 1889, Mr. William O'Brien had again been imprisoned. His sufferings in Clonmel jail, the brutal strippings, and clippings, roused a dangerous feeling of exasperation among the Irish members, and in England a distinguished Committee of National Protest was formed. The agitation was renewed in Parliament, and on the 25th February, 1889, the Chief Secretary thus delivered himself—

Speech 25th
Feb., '89.

"1st. What are the actual prison rules, and, secondly, ought members of this House, and others brought up under the Crimes Act, to be treated in the same manner as others are treated? I hope the House will understand that that distinction ought to be kept in view by any man who desires to have a perfectly clear view of this case. The right hon. gentleman has, I think, again in this House, as he did in the country, entirely misled his audience as to my relation with the Prisons' Board. I stated—and I am perfectly ready to say it again—that the management of prisons in Ireland is not in my power, and no more it is. What is known as the Chief Secretary's Department is a perfectly definite official organisation. I am not dealing with technicalities at all. The essential difference is this—anything which is in my department I am directly responsible for. It comes before me in the ordinary course, and my signature is required before any matter can be carried out. It is carried on by a staff in the Chief Secretary's Department. The Prisons' Board bears precisely the same relation to the Lord Lieutenant and the Chief Secretary, who advises the Lord Lieutenant, as the Prisons' Board in England bears to my right hon. friend, the Home Secretary (ironical Opposition cheers), and I say in England, as in Ireland, it is absurd to say that the management of prisoners is in my department (Ministerial cheers, and

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Opposition cries of 'Oh, oh'). The right hon. gentleman, the member for Midlothian, expresses every sign of disgust and disapprobation at that statement (Opposition cheers). The interpretation which I understand is received at the Home Office in England, is that the Home Secretary has no direct control over the destiny of prisoners. It is his business, no doubt, in connection with Parliament, to frame laws for prison discipline; but it is not the business of the Home Secretary, nor of his department, to control the separate destinies of individual prisoners (cheers). I have never denied that I have relations with the Prisons' Board. Of course not (Ironical Home Rule cheers). I am not only not denying it, but I am proclaiming it on the house-top. I have not, however, that control over separate prisoners which members opposite would attribute to me. Then comes down the right hon. gentleman, and not for the first time, he says: 'How comes it, then, that you have relaxed the rules in favour of priests?' I have never concealed from the House that it was, in my opinion, a very doubtful point whether that relaxation was not a straining of the Act (Opposition cheers). I have said so before, and I am perfectly ready to say so again. But I have made inquiry, and I find that in England precisely the same kind of relaxation is made when questions of religious feelings or religious prejudices come into account. I find, for example, in England there have been regulations made and acted upon by which Jews have certain privileges as regards food prescribed by the Jewish creed. I also find that, as far as possible, the prejudices of Hindoos with regard to caste are respected in English prisons. I maintain, therefore, that in making the relaxation to which I have alluded, I have, unconsciously, I admit, followed the analogy of the English practice. How is the case to be distinguished from the action which the right hon. gentlemen desire me to take in dealing with the particular destinies of individual prisoners in the way of relaxation in prisons? I maintain that the two cases are absolutely different. *In one case Ideal with a perfectly defined class.* I deal with that class not by way of making their punishment less, but by way of making their punishment equal, because I hold—and I am sure the House will agree with me—that it is an additional punishment to compel a priest to do that which the rules of the Roman Catholic Church, either forbid or discourage him from doing. You will observe that there are two wide distinctions between the action I have taken and the action I am asked to take. On those two distinctions I have partly based, though I have got others—the justification of what I have done, and the justification of the refusal of that which I will not do. But there is even a further reason. The right hon. gentleman twits me with the fact, that I have considered Irish sentiment in making the relaxation with regard to priests. Properly speaking, I have no objection to the indictment. The House is aware that, speaking broadly, we may say that every member of the disestablished Church in Ireland, every member of the Wesleyan body, and every Quaker, is a man not only attached to the Union between Ireland and this country (cries of 'oh, oh,' from the Opposition), but fervently approves the administration of the Crimes Act as carried on in that country (renewed cries of 'oh, oh'). I also admit it is true that almost every leading Roman Catholic of position, whether at the Bar or on the Bench—well, I do not know about the Bench—whether in commerce, or whatever line of life he may be—almost every leading Roman Catholic shares the same view ('oh, oh,' from the Home Rule members); but, nevertheless, the fact remains, that undoubtedly the great mass of support which the Government receive in point of numbers in Ireland, in the administration, are Protestants. Was there not, under these circumstances, great danger that the issue we were fighting, in Ireland—the issue between law and disorder (cheers and Home Rule laughter)—whether this issue should not be confounded with those ancient and perennial religious quarrels, which added so much to the unhappiness of a country whose political history has been far from fortunate? Was not that a reason, in addition to all other reasons, why I should take every pains in my power to make it clear to every Roman Catholic in Ireland and out of it, that, while I was determined, irrespective of creed or station, to enforce the law, I was most anxious in every respect to consider the legitimate prejudices of the Roman Catholic priesthood?

The Crimes Act
prisoners are a
perfectly defined
class.

(Home Rule laughter). Then the right hon. gentleman proceeded to make some observations upon the subject of hair-cutting in jail, and he appears to assume that the practice of clipping hair began for the first time last October. That I believe to be an absolutely unfounded statement. If my recollection serves me aright, I do not think any prisoner in Ireland has been exempted except upon a doctor's certificate. A doctor's certificate was given in the case of the hon. member for East Mayo, and Mr. Blunt."

Mr. Dillon.—"Will the right hon. gentleman be kind enough to state the nature of the disease which prevented my hair being cut?" (Opposition laughter).

Mr. A. J. Balfour.—"My recollection of the diseases of the hon. member is not very complete, although I have read a great deal about them (cries of 'oh,' and hisses from the Opposition side). I think hon. gentlemen are a little unreasonable. If I am asked a question I may be permitted to answer it. There is no doubt that the member for Mayo is a gentleman of delicate constitution. He was in hospital during the whole time of his confinement in jail, and, naturally, under those circumstances, I had to read various reports concerning the state of his health. I have said nothing offensive either to him or to the House. I am sure the hon. member will accept my assurance that nothing personal to him was meant. The right hon. gentleman appears to think that this is a specially Irish form of brutality of treatment. There is the case of the member for Lanark (Mr. C. Graham), and if any man in England was sent to prison for a political offence—namely, for participation in a riot in Trafalgar Square—he was. He had his hair cut, he had to sleep on a plank bed, he had to put on the prison dress; and yet, without protest, without agitation, he went through all the so-called degrading punishment which now moves hon. gentlemen with horror and tears."

Mr. Healy.—"He was convicted by a jury of his own countrymen."

Mr. A. J. Balfour.—"The distinction, therefore, of the learned gentleman is this—a man convicted by a jury may have indignities placed upon him, but a man not so convicted may not. There is an end of your prison case, if that is your argument. I do not think I need go further into that question at the present moment. I said to the House on Friday night, that the fears of the hon. member for Cork—that no Irish Nationalist would condescend to take advantage of a doctor's certificate—were wholly unfounded. I stated that the statistics I had collected proved that there had been a great deal more of relaxation for persons committed under the Crimes Act, than for persons committed under the ordinary law. According to the statistics for last month, the percentage is 4 per cent., in cases of ordinary crime, and 18 per cent. in cases under the Crimes Act. The right hon. gentleman says, 'You are sheltering yourself under a doctor's certificate.' This is his criticism. But how does that consist with the charges daily brought against me by the right hon. gentleman's friends—that I desire to murder my political opponents? Choose which branch of the charge you like to make, but do not make both (renewed cheers.) Do not at once say, 'You are using prison doctors for the purpose of slaughtering your opponents,' and, at the same time, say, 'You are exercising illegitimate pressure upon your prison doctors, in order to make your path in the House of Commons easier.' Even more striking is the case of the five gentlemen who have been put into prison in connection with the recent efforts to stir up disorder in Kerry. Of the five I find that only one has taken his prison treatment in the ordinary way. The other four, although they have all shown great energy in carrying out the agitation, have acted differently."

Mr. Healy.—"Give the names, and then there will be no mistake."

Mr. A. J. Balfour.—"The member for Kerry, he was not put in prison, because the doctor said it would endanger his life. He had been working with great energy, and had shown no signs of weakness ('oh, oh,' and an Irish member—'What do you insinuate'?). I am making no accusation against him (ironical laughter from the Irish benches). There is the member for North-East Cork, whose case we all know about. Then there is the case of Mr. O'Connor, who was discovered

to be epileptic, and he had to be discharged. Then there is the case of Mr. Finucane. He was put in hospital from the first day of his arrival. That accounts for four or five whose lives I am trying to take (cheers). Now I want to know what justification there is for accusing me of cynical brutality to these men? (cheers). *I am not going to argue the case whether they ought to be treated as ordinary prisoners.* I shall come to that by-and-by; but, assuming that to be the case, what justification there is for the charges made against me on every platform in England? (cheers). I am charged with having jested over the sufferings of those people (hear, hear). Sir, I have never jested. (An Irish member—'Shame.') I have never done so (hisses), but in my opinion a great deal of what has gone on is essentially absurd (cheers), and unworthy of grave treatment, although, I have always tried to treat it gravely; and above all, in the morbid and diseased state of the public mind (laughter), when an audience like that addressed by the member for Newcastle could find tears to wipe away over the disrobing of Mr. O'Brien, but only laughed when the right hon. gentleman mentioned the death of Mr. Inspector Martin."

Balfour avoids the only question at issue.

Mr. J. Morley.—"I am sorry to interrupt the right hon. gentleman. I was present at the meeting, and all I can say is I did not hear laughter nor did the reporters of any newspapers except two."

Mr. A. J. Balfour.—"The truth is undoubtedly that, as I admit, you have produced some temporary effect amongst your own followers. I fear they believe seriously that a grand tragedy is being enacted in Ireland (cheers). We see the mechanism, we see the trap doors, the scene-shifting. We understand it, and, no doubt, in contemporary Irish history, which is full of tragedy, the tragedy of Mr. O'Brien deserves an important place. But I pass from these exercises to the larger and more important question, whether we ought or ought not to make a distinction between Crimes Act prisoners and other prisoners? Now, it seems to me there is a confusion of thought here, almost exceeding the inaccuracy of statement. As I gather, there are three arguments for this distinction of treatment. There is the popular-man argument—the argument which says that because a man is a good speaker, or happens to be popular, he is not to be treated as an ordinary prisoner. Next there is the genteel argument—that because a man has been brought up in circumstances of comfort and luxury, therefore he has to be treated more tenderly than the man who has had a rough life, and who has had harder fare. ('No.') That argument has constantly been used; and there is the third argument—that these are political offenders, and because they are political they ought to be treated with greater relaxation than would be the case if they were ordinary offenders. I think the first argument is wholly absurd. The member for Bridgeton made a speech about the eloquence of Mr. O'Brien, and founded on that an argument that he should be treated differently. I will not dispute with the right hon. gentleman about Mr. O'Brien's style. No man has had more experience of it (laughter). But to me it seems absolutely absurd, because any individual happens to be gifted with eloquence, or any other qualities which endear him to large masses of men, for that reason he is to be specially treated. As to the genteel argument, I will only say that there is this much for it. It is said that the punishment is increased to the man who has been brought up well. I think, perhaps, that is a strong argument; at all events it has some meaning. Very good, then; carry it out in your prisons generally. There are 20,000 prisoners on any given day in England, Scotland, and Ireland under the ordinary law. There are about 100 Crimes Act prisoners. If you want to reform, begin with the 20,000, and not with the 100 (hear, hear). I come now to the more important argument, which says that a distinction ought to be drawn because the Crimes Act prisoners are guilty of a political offence. I am bound to say that Bentham would have fainted if he had heard that argument. Does the right hon. gentleman seriously lay it down in this House that the Executive Government should choose out for special favour, for special treatment, those prisoners who possess certain qualities? Bentham would have been shocked beyond measure (cheers). *I do not deny that in one sense these offences are*

A criminal is criminal no matter how genteel he is.

See speech, 13th Sept., '87.

See Part I,
pages 29 & 32.

The briber commits *malum in se*. The Irish members merely commit *malum prohibitum*. That's the distinction.

political, but in another sense they are not. You yourselves have been in the habit of saying that they are not. It is said their object is to prevent people from being turned out of their houses and homes. That may be a good object, but it is not a political object. Therefore, if your own account be taken, they are not political offenders. But I will give you this. *These men, I do not doubt, have a political object in view.* They have stated over and over again that they are carrying on a war—the rebellion of '68, the rebellion of '48, and the rebellion of '68, (a laugh). They have acknowledged that. Some of them have announced that they adhere to the physical force party. *I quite admit that they have a political object—that these men are carrying on war, and that rebellion makes them political offenders. Yes, and it makes the dynamiter a political offender (cheers). It makes the political assassin a political offender (laughter).* And until you are prepared to carry out your principle to a logical conclusion, until you are prepared to say that the man who attempts to blow up this House, or murder a Chief Secretary or other official is to be treated with relaxation of the prison rules, your political offender argument, in my opinion, absolutely falls to the ground. The right hon. gentleman seems to hold that because a man aims at a good object, that justifies him. Is the right hon. gentleman so ignorant of jurisprudence as to hold that because a man aims at a good object that is a ground for giving him special and exceptional treatment? I cannot regard a better object than a man supporting his wife and family. I cannot regard a more shocking thing, than a man knowing that he leaves a wife and children starving; yet if he goes out and steals something, you do not make that man a first-class misdemeanant—you send him to penal servitude (laughter and 'No'). I want to know how you are to reconcile facts like that with the position you now take up as to good objects. I will take a stronger case—that of your own Corrupt Practices Act, 1885. Under that Act, if a man corruptly gives £5 to assist in bringing him to Parliament, you send him to prison and inflict on him all the ignominy of ordinary imprisonment. Perhaps he may be a member of this House—he may be passionately beloved by the constituency he is wooing; but on that account are you going to give that man exceptional treatment? *Until you can draw a distinction between him and the gentlemen below the gangway, I shall not admit nor accept that argument.* You take the case of the man who deliberately breaks the law in Ireland. I say that he is indirectly responsible for the crime which he knows has often followed, and probably—nay, will follow—from the action he has taken. I think on that account it would be a monstrous thing to distinguish between those who come down to preach against the landgrabber and the man who goes, in consequence of that excitement, and fires bullets through the landgrabber's windows. But, if there is to be different treatment, do you think the Government ought to decide that question? I say that a court of law and a court of law only, is entitled to say what sentence the man shall undergo. The right hon. gentleman thinks I ought to excuse the member for North-East Cork, Mr. Sheehan, Mr. Finucane, and so on. Am I to excuse their associates? ('Yes.') I am to do that? I am to excuse the inciter to crime and the committer of the crime. Does he found that doctrine upon any principle of jurisprudence? If so, does he limit it to Irish prisoners? Why, sir, if this principle were carried out, we should have to remodel, not only the whole prison discipline from the top to the bottom, but the whole principle of jurisprudence. I may say that I shall not object myself to have the question adequately discussed; but what I shall object to is the carrying out of this principle for a first time on a political class. I shall require that you make it general, and that the measure you mete out to the Crimes Act prisoners in Ireland, shall be measured out to prisoners in England and Scotland. The right hon. gentleman missed out, as I told the House, all reference to the accusations levelled against me, with regard to the maltreatment of prisoners. These stories are false. (*Times*' Parliamentary Debates, week ending March 2nd, 1889, pages 5 to 59 inclusive).

It was in this debate that Mr. Chamberlain, on the 28th February, declared :—

"I would admit that it is a fair subject for discussion whether the gentlemen Poor Joe ! convicted under the Crimes Act, or the majority of these gentlemen, should or should not be treated as first-class misdemeanants, and if a Bill or resolution were brought before the House, I confess I should be inclined to support it." *Times* (Parliamentary Debates, February 28th, week ending 2nd March, page 135.)

Accordingly, on the 13th March, 1889, Mr. John O'Connor's measure was introduced, providing that a certain class of prisoners should be treated as first-class misdemeanants, but Mr. Chamberlain voted against the measure, and Mr. Balfour delivered the following speech :—

"Now, observe we pride ourselves on the fact that the progress of democracy means the progress of equal laws. But if you carry out the principles recently developed on that bench you will have anything but equal laws (hear, hear). I cannot imagine anything more detrimental to progress of equal laws or to the equality of sentences; I cannot conceive anything against which a man interested in equality, should more sternly set his face than the doctrine now enunciated from the front Opposition bench (cheers). I hope the House has followed the controversy closely enough to understand that it is not in the interest of humanity, but of politics, that this agitation has been in the first instance started (hear, hear). I could admit that the people of this country are influenced by motives of humanity and of humanity alone. But those who started the agitation, by their own confession, have been moved by political considerations, and political considerations almost entirely (cheers). Mr. O'Brien stated, I think in the *Pall Mall Gazette*, that the primary object of his action with regard to prison treatment was to make the government of Ireland impossible (hear, hear). A similar declaration was made by the hon. member for Mayo, confirming the original statement of Mr. O'Brien, and stating that all this agitation about prison clothes, treatment, and diet had been started for a purely political object, and in the interests of a purely political party. Therefore, though that should not modify any consideration we may come to on the merits of the question, let us understand that it is not humanity, but politics, that is at the root of the whole matter (cheers). Why is it that in this Bill, Crimes Act prisoners alone are contemplated? Why, because it is only in relation to Crimes Act prisoners that you can get up political agitation and derive political capital (cheers). You would never get a 'national protest' in favour of the victims of the Vaccination Acts or the Bribery Acts, or the way in which members of the Salvation Army are treated. They have no political value, and therefore it is that year after year you allow their fate to go on uncommented upon in this House, and at this moment when you bring in a Bill which is far more applicable to them than it is to any gentleman below the gangway, even within the four corners of that Bill there is no reference, however remote, to the lot of any one of these classes of prisoners. But will this Bill satisfy the gentlemen themselves who have brought it in? Here I see a curious and interesting contradiction. The right hon. gentleman, the member for Derby, in explaining his views, told us that, roughly speaking, the persons he wanted to relieve were the persons who made speeches and wrote articles. That, however, is not the view of the hon. member for Cork and his party sitting below the gangway, for the hon. member for Cork, at a dinner at the Eighty Club the other day, said 'Larkin was convicted of a political offence, just as much a political offence as those committed by Mr. O'Brien and Mr. Carew.' Now, what was Larkin committed for, and who committed him? Larkin was a man tried before Chief Baron Palles for resisting the process of the law. (An hon. member—'Defending his home'), and Chief Baron Palles sentenced him to 18 months' hard labour, and at the end of that time to find security for his good behaviour, which would give an opportunity to those who induced Larkin to commit this crime to come forward and show themselves and find the sureties (a laugh). Now, the House will observe the two doctrines; the one propounded above the gangway, that the man

Speech on Mr.
O'Connor's Bill

who makes a speech or writes an article, and he alone, is a political offender, and should be treated exceptionally; and the far more logical doctrine expounded by the hon. member for Cork, that the man who defends his home—that is to say, resists the process of the law, is a political prisoner, and is to be treated as a first-class misdemeanant. This Bill will not satisfy either the right hon. member for Derby or the gentlemen below the gangway, because it is founded on no principle, will stand no examination, and will not bear a moment's argument. I am told that if you pass this Bill you will make first-class misdemeanants men guilty of boycotting, of intimidation, of riot, of unlawful assembly, of taking forcible possession, and of promoting the objects of illegal associations. Now, are you really prepared, in the face of experience and Irish history, to carry out a policy like that? You had the experience in Mr. Forster's time of making these people first-class misdemeanants, and the result was that it ceased to be a punishment, and became almost a luxury, to be sent to prison. I, therefore, claim to have shown, in the first place, that administrative interference is not the proper method of dealing with this question, and not the method that any previous Government has adopted, and not the method that this Government could adopt without grave danger to law in this country and in Ireland. I have shown, in the second place, that if the courts of law have not carried out the intention which the right hon. gentleman thinks they ought to have carried out, *it is because persons have not appealed to them.* In the third place, I have shown that this Bill, if carried, would satisfy neither the member for Derby nor the member for Cork, and I have suggested what I believe to be the case, that if you are really to carry this Bill into effect, and to make the grave crimes I have enumerated only punishable by imprisonment as first-class misdemeanants, you would rob punishment of that which alone makes it valuable or justifiable—namely, its deterrent effects. A few words in regard to my own view of this question. I have been told or over and over again that there is a great tide of public opinion rising upon this subject. I am not at all prepared to say that the judicious efforts of the gentlemen who get up the 'national protest' may not have produced an effect upon the public mind in some parts of the country. I do not doubt it at all; but it is poor statesmanship to make irrational and wholly unjustifiable alterations in the fundamental law and procedure in this country (ironical cheers), in obedience to any mere passing phase of public opinion. While I say that, I also fully grant that it is equally poor statesmanship not to try and find out what there is defensible, rational, and logical at the bottom of the feeling which may have been excited in the country. I wholly decline, I am utterly unable to accept the particular solution which has been given either by this Bill or any of the speeches which I have heard from gentlemen who support the Bill. It seems to me irrational, indefensible, and destructive of equality in the law; but I quite admit that there may be, and very likely is, something entirely justifiable in the feeling which has been aroused. With regard to prison rules, I do not profess to speak as one who has either time or inclination to study the question, but I also have to recognize that while the tendency of modern legislation has been in the direction of the rules embodied in the English Act of 1865, and the Irish Act of 1877, by which a rigid uniformity of practice has been imposed on every prisoner, be he whom he may, and be he condemned for what offence he may, our prison discipline in Ireland has been subject to so many and such recent revision at the hands of Royal Commissioners, that I have the utmost doubt of my own views on the subject, and I should reluctantly venture to differ from any conclusions at which the Royal Commissioners arrived, or which have been embodied in the legislation that has been from time to time passed by Parliament. Yet I confess, at the same time, that for my own part, I never have been able to understand on what principle such things as prison clothes, and matters of that kind, have been enforced on every kind of prisoner, wholly irrespective of his condition. They are classed under the prison rules, I believe, as matters appertaining to health; and I apprehend there is no doubt whatever that the origin of all those rules was a sanitary origin. Under those principles of discipline which have been sanctioned by Royal Commissioners and by Parliament, and which arose simply upon considerations of health and cleanliness, they were enforced by a rigid iron rule of uniformity on every prisoner, even

What about refusals to state cases for appeal?

An admission.

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although he did not require the application of them either on the ground of health or of cleanliness. Consider a case which I heard of only a few hours ago. I heard of a respectable woman, the wife of a tradesman, who got into some trouble by refusing to have her child vaccinated. She was brought before the magistrates, was convicted, and went to prison. She was forcibly stripped and put into the bath; she was, in fact, treated in the same manner as if she had been the veriest tramp taken up in the streets ('shame'). You may say 'shame;' I say I cannot see the reason of that; it is very irrational. But these are the rules you have sanctioned and acquiesced in for years (hear, hear). It certainly appears to me, in so far as I understand the philosophy of punishment at all, that those kinds of punishment, which do not inflict discomfort, but which are thought by some persons to inflict degradation, need not form part of the prison system (Home Rule laughter), because the evil of that kind of punishment is this: that the hardened criminal is not punished by it all (hear, hear.) The hardened and habitual criminal suffers no discomfort, no degradation, by being compelled to put on the prison clothes, and all the rest of it; and to the tramp who has not a good suit of clothes I believe it may often be positive luxury to get the prison clothes. Therefore, it is irrational to carry out with iron, rigid uniformity the prison rules which now prevail in England and Ireland. Take the instance of the Jews. If you rigidly enforce your prison rules, the Jew necessarily suffers in his religious feelings, and the result is—I believe illegally—that some modification has been made in the English prisons in respect to Jews. A corresponding question arises in the case of the other religions and nationalities. As I have just stated, these rules as to prison clothes, dietary, and the like, as in those questions of religious feelings, have a cast-iron uniformity which recent legislation has imposed, and appears to me to be highly absurd. Many suggestions have been made on both sides in favour of classifying prisoners according to their offences. I have myself no objection to the experiment being tried: but I am told by those possessing experience that it is almost certain to fail, and unless there be very strong authority for doing it I should not embark on so futile an enterprise. But I think it is eminently worthy of consideration by the prison authorities, both in England and Ireland, to see whether we cannot remove from what is sound and true and non-political, and based on humanity, whatever may be repulsive in the administration of the prison rule in England and Ireland (Home Rule laughter and Ministerial cheers). Of course, I need not say to those hon. gentlemen who have done me the honour of listening to my innumerable speeches in the House on this subject, that I see no distinction that can or ought to be made, in any place, which is suggested in favour of prisoners, who were committed under a particular statute passed the year before last. I do not think that they ought to have or deserve any special treatment; but they ought to receive, like all other prisoners, the benefit of any modifications that may be made in the prison rules of England or of Ireland. But the prison rules are embodied in an Act of Parliament. In Ireland, I believe the case is different. I believe that the Lord Lieutenant in Council, with the sanction of Parliament, may make such modifications in the rules as I have suggested. My present idea of dealing with this matter is to ask one or two gentlemen in whose judgment and knowledge of prison rules we have confidence, to investigate this question from the point of view I have, however imperfectly, attempted to sketch to the House, and possibly by their aid we may be able to remove any shadow or semblance of grievance connected with any class of prison treatment, either in this country or in Ireland (hear, hear). I cannot sit down without expressing in the strongest language my conviction that it is not the gentlemen who have urged boycotting, who have urged resistance to the law, and who have carried on the agitation which unhappily has been so persistent in Ireland, who are entitled to special consideration in this matter, but those other persons to whom reference has been made by my hon. friend the member for South Tyrone (Home Rule laughter). Those who have been condemned under the Vaccination Act and in connection with the Salvation Army, are the class of prisoners who chiefly command our sympathies, and who ought to receive the benefit of any modification which may be made in the law"

Just so.

Approves of classification' but too cowardly to try it.

Promises inquiry.

What about the Belfast forgers?

(cheers).—*Times'* Parliamentary Debates, week, ending March 16th, 1889, pages 350 to 352, inclusive.

No account is here attempted to be given, of the more controversial manner in which, as in his speech at Glasgow, in October, 1888, and at the Unionist banquet in Dublin in 1889, Mr. Balfour told the story of the death of John Mandeville and the stripping of William O'Brien (See Part II). But public opinion had reached such a phase that the Chief Secretary, having restored Mr. O'Brien's clothes and laid John Mandeville in his grave, felt obliged to appoint a Royal Commission, which, however, he restricted by the narrowest terms of reference in his letters of instruction, to inquire into the prison rules. The report of this Commission will be found elsewhere, and is well worthy of attentive perusal. (See conclusion of Part I, also Part II, and Appendix to Part I.

T. M. HEALY.

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Part IV.



THE

TREATMENT OF POLITICAL PRISONERS

THE INTERNATIONAL PROTEST.

WHAT THE UNITED STATES THINKS OF BALFOURISM.

OPINIONS.—GOVERNMENTAL, ECCLESIASTICAL, AND LITERARY.

ALY.

ANALYSIS OF THE LETTERS FROM THE UNITED STATES.

Cabinet Ministers,	3
Ex-Cabinet Ministers,	2
Cardinal Archbishop,	1
U. S. Governors,	8
U. S. Senators,	5
U. S. Editors and Statesmen,	2
Poets and Novelists,	4
Collegiate President,	1

[Analyses of the opinions received from other countries will be found immediately preceding the letters representing each nationality.]

The following are the names of the distinguished personages included in analysis :

GOVERNMENTAL.

The President of the United States (General Harrison).
The Vice-President of the United States.
Hon. J. M. Rush, Cabinet Minister, United States.
Hon. A. H. Garland, Ex-Attorney General (under Cleveland).
Hon. William P. Villas, ex-Postmaster-General (under Cleveland).
Governors—Davis (Rhode Island); Semple (Washington Territory); Thayer (Nebraska); Biggs (Delaware); Taylor (Tennessee); Pennoyer (Oregon); Stevenson (Idaho); and M'Gill (Minnesota).
Senators—Blair, Morrell, Kenna, Stewart, and Gray.

EDUCATIONAL AND LITERARY.

Henry Watterson, the leading Editor of South West, United States.
Chas. A. Dana, New York *Sun*, Editor and Statesman.
Cable and Howells, two famous novelists; Whittier, the sweetest of the American poets; Mrs. Admiral Dahlgren.

ECCLESIASTICAL.

His Eminence Cardinal Gibbon, Catholic Archbishop of Baltimore, and Primate of the United States; Rev. Elmer A. Capen, President Tuft's College, Mass.

(1.)

THE PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

The Freeman's Journal of 22nd June, says:

The President and Vice-President of the United States, America, write to say that the matter has been brought to their attention, and will receive proper consideration.

(2.)

His Eminence Cardinal GIBBON, Cardinal-Archbishop of Baltimore, and Primate of the United States.

Cardinal's Residence,

408 North Charles Street, Baltimore.

RESPECTED AND DEAR SIR—In reply to your favour of the 9th ult., I beg to say that, as far as my opportunities enable me to judge, it is the general sentiment of our thoughtful American people, that the treatment of political prisoners in Ireland has been exceedingly harsh and wantonly severe, and in that view I am compelled to concur. But I hope that this subject is but a passing episode, to be soon forgotten, or at least condoned, in view of the blessings of Home Rule, and the privilege of autonomy in domestic affairs which is within your grasp. I trust that the friendly relations between England and Ireland will increase every day, and that the long, unnatural, and disastrous conflict will give place to an honourable emulation in the field of commerce and industry, such as happily exists among the States of our Federal Union.—I am, with much esteem, your obedient servant in Jesus Christ,

✠ J. CARD. GIBBON, Archb., Baltimore.

Mr. E. Dwyer Gray.

(3.)

The Poet, WHITTIER

"The sweetest singer of American song,"—Tuam Herald.

Danvers, Mass.

DEAR SIR—I am not fully acquainted with the cause of Hon. W. O'Brien's imprisonment; but if his offence is simply a political one, it seems to me that his treatment has been inexcusably harsh and brutal. It could only be prompted by a feeling of revenge and hatred akin to that which led to outrage and assassination on the other side. God grant that a more Christian spirit may prevail in England as well as in Ireland.

The humane and magnanimous example of our own country after the dreadful war of the Rebellion is worthy of imitation. As regards prisoners, restraint is necessary, but personal abuse and indignity—anything which degrades manhood—is a crime.—I am, &c.,

JOHN G. WHITTIER.

(4.)

*The Hon. J. M. RUSH, Member of present United States Cabinet,
and Ex-Governor.*

Department of Agriculture,
Office of the Secretary,
Washington, D.C.

DEAR SIR—I have received your letter requesting an expression from me relative to the treatment of political prisoners in Ireland. In answer let me say that my views have been several times published on this subject. Allow me to say that these views have not changed. They are still in favour of the oppressed of Ireland.—Truly yours,

J. M. RUSH.

(5.)

*The Hon. A. H. GARLAND, Ex-Attorney-General, Cleveland
Government.*

Washington, D.C.

DEAR SIR—The matter upon which you desire a word from me, *the harsh treatment of political prisoners in Ireland*, justly excites in every fair-minded man deep indignation, and merits a judgment of severe condemnation from all civilized people. In this time of advancement and reform, degrading treatment of any kind to such prisoners is at war with all just and proper sentiment. It belongs to another and much darker age than this, and no fair means should be spared to frown it out of existence.—Yours, &c.,

A. H. GARLAND.

(6.)

The Hon. Wm. P. VILLAS, Ex-Postmaster-General under Cleveland.

Washington, D.C.

DEAR SIR—My absence has delayed reply to your letter of the 20th ult.

One would suppose but a single opinion possible in respect to the treatment of the Irish political prisoners. It is difficult even to credit the reports we receive of the brutal barbarities inflicted on Mr. O'Brien. They belong to a past age and a lower order of humanity. That gentlemen, members of Parliament, patriotically struggling to ameliorate the deplorable and pathetic condition of their own countrymen, should, for mere speech, be deprived of liberty, and thereupon be subjected to degrading treatment, only permissible in handling felons of a depraved type, pains and affronts the sensibilities and judgment of civilized men throughout the world. It intensifies the desire for the speedy relief of Ireland. It can but be the madness which presages the downfall of the oppression so long her sad lot. May it prove Heaven's message of prophecy!—Yours very truly,

WM. P. VILAS.

(7.)

HOWELLS, the American Novelist.

330 East Seventeen Street,

New York.

DEAR SIR—Perhaps because I am of an imagination notoriously inadequate, I cannot imagine any American whom the official outrages on Irish political prisoners, do not fill with indignation whenever he thinks of them. To abhor such atrocities seems to me as simple, as natural, and as normal as to breathe.—Yours sincerely,

W. D. HOWELLS.

(8.)

CABLE, the Novelist.

Northampton, Mass.,

United States.

DEAR SIR—I write in response to your letter. Removed in so many ways and at such a distance from the scene of political contest in Great Britain, I can venture only to express those principles of common humanity which, though accepted at large by the enlightened world, and trite enough in theory, are apt anywhere to be lost sight of by contestants in any heated conflict of interest or policies. I shall mention but two or three:—

1. All hardships not absolutely unavoidable, imposed upon persons charged with public offences, before such offences have been proved, are themselves outrages against the peace, dignity, and honour of the State.

2. All harsh treatment of any prisoner whomsoever, not a legal part of his sentence nor a necessary part of prison discipline, incurred by his own breach of rules, is an outrage.

3. Partisans of one governmental policy, offending against an opposing policy, may or may not in their offences be guilty of criminal acts; but while, on the other hand, no one can rightly claim the immunities of a purely political offender, merely because there is a political bearing in a criminal act of which he has been lawfully convicted by criminal process, yet, on the other hand, any treatment which the laws prescribe only for convicted criminals, but imposed upon political prisoners who have not been tried and convicted of criminal acts, and by criminal process, is an outrage.

Whether these general principles touch any specific case in the present conflict for and against Home Rule, I may not say that I certainly know. I am bound to leave that to the conscience of a free people, who know the solemn duty of respecting an equal freedom in everyone else, who has not individually forfeited it by his own personal criminal acts or attitude, legally proved against him on criminal trial. But let those who must, remember that whoever trifles with one man's rights will trifle with a million's; and that just in proportion as we trifle with the rights of others, we put risks upon, and deserve to lose our own.

GEORGE W. CABLE.

(9.)

The Hon. EUGENE SEMPLE, Governor, Washington Territory, United States.

Executive Department, Governor's Office,
Olympia.

DEAR SIR—Acknowledging receipt of yours of the 30th ult., in which you solicit an expression of opinion in regard to the treatment of political prisoners in Ireland, I am glad to be able to comply with your request in hopes that it will, as you say, “be beneficial to the cause of humanity and fair government.”

One of the deepest impressions ever made upon my mind was produced when I read, in the city of New York, thirty years ago, upon a monument which I had never heard of before, these words—“Sacred to the memory of those brave and good men who died, whilst imprisoned in this city, for their devotion to the cause of American independence.” The monument alluded to covers the bones of the victims of the prison ships of Wallabout Bay, and not one, it seems to me, of those in this country, who enjoy the blessings of the liberty for which these men died, but should, turn his face towards heaven with a prayer for the happiness in another world of those, who, by their self-sacrifice, bequeathed to their fellows so much happiness in this.

And it has seemed to me, that no greater proof could exist than this, to show the utter futility of endeavouring *to suppress by force a good cause defended by a great people*. And yet the Government of her Britannic Majesty, with this example and a thousand others before it, seems blind to reason, and goes on stretching its mailed hand over Ireland, and maintaining a noisome system of prison management, as though the dark ages were not yet passed. And it places its trust in traitors, like Pigott, and it offers a reward to every man who will betray his friends, as though that was not a most effective school for treason, and the best way to make a spirited people hate their rulers.

In my opinion the way to do away with rebellion in Ireland, is to make such changes in the British laws, that the blessings of British government will fall alike upon all its subjects. The present system of placing political prisoners, who have been goaded to resistance by insult added to injury, upon the same footing as malefactors, will not succeed—because it ought not to succeed—because the system is as much a relic of barbarism, as the lash and the stake.

It is to be hoped that her Britannic Majesty's Government will shortly see the signs of the times with clearness, and give to every part of the empire, what every English-speaking people ought to unceasingly demand, and what every English-speaking people will eventually obtain in spite of Toryism and terrorism—HOME RULE.—Your obedient servant,

EUGENE SEMPLE!

(10.)

The Hon. ROBERT L. TAYLOR, Governor of Tennessee, United States.

Executive Office, Nashville, Tennessee.

DEAR SIR—The harsh and heartless treatment of political prisoners is the foulest blot upon Great Britain's escutcheon. Men who love justice, and liberty, and fair dealing, are amazed at the revolting spectacle of the professed leading liberty-loving nation in Europe resorting to cruel gag and despotic persecution of men, who claim only for themselves and their country, what Englishmen claim for themselves and their country.

"Irishmen should rule Ireland." The very words in which this sentence is couched carry unanswerable argument of the justice of the demand—Irishmen should rule Ireland. If it is not right that they should, let the decree that forbids it be enforced legally and decently, and not by oppression and suppression. England must needs feel reproach of conscience when she attempts to crush manhood, and trample out by degrading force that God-born love of liberty and country, that is the sustaining principle of all good government, and without which hers itself would topple into ruin.—Yours very truly,

ROBERT L. TAYLOR.

(11.)

The Hon. B. T. BIGGS, Governor of Delaware, United States.

Dover, Delaware.

DEAR SIR—Your favour received. I cannot too strongly condemn the oppression of Great Britain towards Ireland. That political prisoners should be subjected to the treatment of common criminals, is a burning shame to the civilization of the age.

Men cannot but express their disapproval of the treatment the Irish are now receiving at the hands of Great Britain. The virtuous, the intelligent, to-day, all over the civilised world, condemn the English Parliament for inflicting upon Irishmen degrading punishment, such as would make savage mercy weep tears of blood. Truth and justice will yet triumph—Ireland will have Home Rule; and instead of her population decreasing it will increase; and Parnell and Gladstone will live; and America's sixty millions of freemen will rejoice to see Ireland free, as she once was, with a prosperous and happy population of eight millions of freemen, happy and content.—Yours, &c.,

B. T. BIGGS.

(12.)

*The Hon. EDWARD A. STEVENSON, Governor of Idaho.*Department of the Interior,
Boise City, Idaho.

DEAR SIR—Your noble efforts to relieve the sufferings of the Irish people, and to place before the civilized world the harsh and degrading treatment of political prisoners in Ireland, is worthy of commendation.

Every true American citizen must sympathize with the people of Ireland in their struggle for liberty, and a just and humane Government should at once relieve them of all their political disabilities, and at least give them the same rights and privileges, that are guaranteed to other portions of the British empire.—I am, very respectfully,

EDWARD A. STEVENSON.

(13.)

The Hon. ANDREW M'GILL, Governor of Minnesota.

DEAR SIR—There can be but one opinion, it seems to me, among intelligent freemen on England's treatment of political prisoners in Ireland. It is inhuman and wicked, and I am sure it is not approved by a majority of the people of England, or by the best sentiment in that country. The course of the Government is not only unjustifiable from any standpoint, but it is marvellously cruel and unjust.

Civilization, humanity, education, progress—all are outraged by it.—Respectfully yours,

ANDREW R. M'GILL.

(14.)

*The Hon. JOHN M. THAYER, Governor of Nebraska, United States.*State of Nebraska,
Executive Department, Lincoln.

DEAR SIR—The treatment of State prisoners by the English Tory Government of Lord Salisbury, is a dark spot on the civilization of the nineteenth century. It is inhuman; it is uncivilized; it is un-Christian. The tyrant, Balfour, will bear in history the odium which attached to the name of Jeffreys.—Yours truly,

JOHN M. THAYER.

(15.)

*The Hon. SYLVESTER PENNOYER, Governor of Oregon, United States.*State of Oregon, Executive Department,
Salem.

MY DEAR SIR—The subjection of political prisoners to the fate of common criminals, is a deep disgrace upon Great Britain and a lasting dishonour to Christian civilization. I most emphatically endorse the sentiments voiced in the resolutions promulgated by the great meeting held at St. James's Hall, on the 13th of March.—Very respectfully,

SYLVESTER PENNOYER.

(16.)

The Hon. JOHN D. DAVIS, Governor of Rhode Island, U.S.

Pawtucket, R.I.

DEAR SIR—It is amazing, and would be incredible, if not self-confessed by the British Government, that such barbarities as are reported should be practised upon political prisoners by any civilized nation in the light of the present day.

The thumb-screw and rack of the Star Chamber and Inquisition, of a benighted people in benighted times, are not more inexcusable, in view of their surroundings, than the inhumanity practised upon those victims of Tory intolerance and despotism by the British Government in Ireland.

Let us pray that reformation—from pressure of indignation abroad, if not from a sense of justice at home—may soon obtain in Ireland's behalf.—Respectfully yours,

JOHN D. DAVIS.

(17.)

Mrs. ADMIRAL DAHLGREN.

DEAR SIR—In reply to your favour requesting an expression of opinion "on the harsh and degrading treatment of political prisoners in Ireland," I have no hesitation in saying that such tyrannical repression of the freedom of expression, is not only deeply pathetic, but it is unworthy of a constitutional Government.

That which strikes me as most remarkable, in the prolonged course of this agitation for the rights of Ireland, is the suicidal conduct of England.

A nation, like a tree, owes its growth and development to certain conditions, and if these be denied, decline must follow.

Now, protection for every vested right is essential to the life of a free country, and these violated, decadence sets in.

Did not the star of England fade with the steady drain of her soldiery to the United States, through the Irish emigration, brought about by her fatuitous policy?

Is England so strong in her invading conquest of India, that she has no fear of Russia in that direction? The Briton is a sailor, but the Celt is a soldier, and loves war; and now these many years England is bent on crippling her own power to raise land armies!

Add to this imbecile action the picture of a hopeless public debt, an army badly officered through a defective system, American competition of her manufacturing industries, and various other disturbing forces at work, and we may well ask—Whither is England drifting?

MADELINE VINTON DAHLGREN

(18.)

The Hon. HENRY W. BLAIR, Senator, United States Senate, Washington, D.C.

United States Senate, Washington, D.C.

DEAR SIR—Yours requesting expression of sentiment, in regard to the subjection of Mr O'Brien to the disgrace of wearing the ordinary convict's garb, when under sentence for a substantially political offence,

and other like instances, or worse, taking place in the current history of Ireland, is received.

Ordinarily I would not reply to such a request, but Ireland is part of America, and I have a like feeling for England also, so that I feel the disgrace as though I were an Englishman, and resent it as though I were an Irishman.

I am opposed to the infliction of a mark of degradation upon any human being, even if he be a convict, for common crime. Punish the criminal, confine him, if necessary, but do not extinguish the only feeling to which you can appeal for his reformation, to wit, his remaining self-respect.

But I consider the policy of subjecting a political prisoner to such treatment as most reprehensible, and one which no free country will submit to see applied to its sons, and whose only offence is that they have essayed to secure or to retain that freedom for their country. I feel assured that the people of the British Islands will repudiate and overturn the present administration of affairs in Ireland in the very near future.

Such I believe to be the general desire of the people of this country, although for the British Empire as a whole there is a constantly increasing friendly feeling. The masses of the people are a unit everywhere. God has made us all of one blood.—Truly yours,

HENRY W. BLAIR.

(19.)

The Hon. GEORGE GRAY, United States Senator for Delaware.

Senate Chamber, Washington.

DEAR SIR—The treatment of Irish prisoners, confined by the English Government for political offences, as reported in the Press, shocks all humane persons. But it is a sign of weakness and not of strength in the party practising it; and, while our sympathies for the victims of this reactionary policy on the part of the English Government is quickened, our hope and faith in the future of Ireland as a home of a free, self-governing, and prosperous people should be strengthened and confirmed.—I am, respectfully yours,

GEORGE GRAY.

(20.)

The Hon. W. M. STEWART, U.S. Senator for Nevada.

United States Senate, Washington, D.C.

DEAR SIR—Yours of the 30th ult., with enclosures, is received.

Cruelty to prisoners is the most debased, disgusting, and revolting crime in the catalogue of human atrocities. The character of men in authority in all ages is determined by their treatment of prisoners. Nothing so shocks the sense of justice of civilized man, as the implements of torture used during the dark ages by the demons of despotism to inflict pain and suffering upon victims in their power.

The treatment of political prisoners by Russia in Siberia has aroused the indignation of the civilized world. English travellers have done more than all others to expose these atrocities, and bring to bear the just public sentiment of Europe and America to mitigate these great wrongs.

The treatment of prisoners in Ireland by the Salisbury Government under the Crimes Act, far exceeds in brutality anything which has occurred in modern times. Englishmen are no longer under the necessity to go to far-off Russia to find examples of inhumanity and cruelty to prisoners. If the people of England can view with complacency the cruelties practised by the Salisbury Government upon prisoners in Ireland, they must have lost all sense of justice and fair play.

I cannot believe that the indignities inflicted upon worthy citizens, guilty of no crime, such as stripping them of their clothing and marking them with every badge of degradation that the genius of cruelty can invent, or depriving them of food, or air to breathe, for the purpose of destroying their manhood, or depriving them of life, can long be viewed with indifference by the people of England. If Englishmen do not feel degraded by such outrages the people of America will be ashamed of their ancestors.—Yours very truly,

W. M. STEWART.

(21.)

The Hon. JOHN E. KENNA, U. S. Senator for Virginia.

United States Senate,
Washington, D.C.

DEAR SIR—In answer to your request for an expression of opinion touching the "harsh and degrading treatment of political prisoners in Ireland," I can only express a sentiment of condemnation such as every descendant of Irish stock naturally feels, and such as I believe is universally shared by humane and liberty-loving people everywhere.—Yours truly,

JOHN E. KENNA.

(22.)

The Hon JUSTIN D. MORRILL, U. S. Senator for Vermont.

Senate Chambers, Washington.

DEAR SIR—In reply to your favour of the 30th ult., I regard the treatment of Irish Members of Parliament, political prisoners, by the British Government as simply barbarous.—Yours very truly,

JUSTIN D. MORRILL.

(23.)

Rev. ELMER H. CAPEN, President, Tuft's College, Mass.

Tuft's College, College Hill, Mass.

MY DEAR SIR—In response to your request of the 30th ult., I have to say that I had the good fortune, with many others, to meet Mr. William O'Brien when he was in this country. I was greatly impressed by his dignified and gentlemanly bearing. He gave evidence to all who saw

him of being a cultivated Christian gentleman, ready to lay down his life, if need be, to right those historic wrongs whose existence, even Englishmen of every creed and party, have admitted. The indignities to which he has been subjected by English officials, acting under the sanction of the courts, have not only awakened for him profoundest sympathy in the breasts of his American friends, but aroused a sense of loathing that is widespread on this side of the ocean, towards the men who could perpetrate them.

Such outrageous treatment of a prisoner, whose offence, if he has committed one, is only political, is but too mildly characterised when we say it is a blot on the English nation.

Really it would be a disgrace to Russia. That such wickedness can be done in the name of the British Empire, and find its justification in Parliament, is a reproach to civilization. All Christendom should cry out against it. Especially should the American, whose whole history is a protest against English tyranny, make common cause with the Irish in their demand for justice at the hands of their oppressors.—Yours very truly,

ELMER H. CAPEN.

(24.)

The Hon. C. A. DANA, Statesman, and Editor of New York "Sun."

The Sun, New York.

DEAR SIR—I received the other day your letter asking me to write for publication some expression, respecting the mode in which Irish prisoners are treated under the Coercion Act.

The treatment is brutal and barbarous beyond comparison in modern times. It disgraces the Government by which it is practised, and it casts shame upon the civilization by which it is surrounded.

Thank God, nothing else has been seen in our day that can be compared with it; and thank God, too, that in the operation of His providence it cannot long be continued.—Yours sincerely,

C. A. DANA.

(25.)

The Hon. HENRY WATTERSON, leading Editor of the South-West, U.S.

Courier-Journal Office,

Editorial Department, Louisville.

DEAR SIR—I am so filled by the thought that the day of Ireland's redemption is at hand, that the personal sufferings of men like O'Brien inspires me with less of indignation, than I should feel if I thought there were no hope. By contact with brutality we become in some sort brutalized ourselves; and it cannot be denied that the story of England's

brutality in Ireland is so familiar to us, as to lose a part of its appalling force. Nevertheless, the claim of outraged humanity, upon our sympathy and speech, is as eternal as it should be universal, and my whole heart is with the movement, having for its object, an expression of the detestation of all honest and brave men, for the course pursued by the Government, under Mr. Balfour's direction and responsibility, touching political prisoners confined in Irish jails. I do not believe that it can be or will be sanctioned by the good people of England, who, outside the ruling classes, are a good people, and must, when the question is brought home to their heart and understanding, see that their own manhood and the honour of their country, are compromised by the policy of repression and hate, and that no less for the fame of England than for the need of Ireland, it must be abandoned.

I thank you, sir, for giving me this opportunity to say a word, however inadequate, on the side of justice and humanity. It is spoken in that language which all of us use in common, and which ought to constitute a bond at least of reciprocal forbearance.—Sincerely,

HENRY WATTERSON.

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THE VERDICT FROM CANADA.

A REMARKABLE INDICTMENT.

OPINIONS :—GOVERNMENTAL, ECCLESIASTICAL, AND LITERARY

ANALYSIS OF THE LETTERS FROM CANADA.

Cabinet Ministers	3
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Ex-Commission of Prison Reform	1
Inspector of Canadian Penitentiaries	1
Mayors, Law Professors and Barristers, Collegian Presidents, Catholic Clergymen, Wesleyan and Methodist Ministers, Editors of Important Newspapers, Bankers, and other Pro- minent Business Men	13
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The following are the names of the distinguished personages included in Analysis.

GOVERNMENTAL.

Hon. Wilfred Laurier, ex-Queen's Privy Councillor, and Leader of Opposition, and ex-Minister of Inland Revenue of Canada.

The Hon. John Costigan, M.P., Present Conservative Member of Inland Revenue to the Dominion Parliament.

Colonel Eugene Panet, Minister Militia Defence to the Dominion.

Owen Murphy, M.P., Quebec, ex-Mayor of Quebec, and ex-President of the Board of Trade of the City of Quebec.

Hon. James G. Moylan, Chief Inspector of Dominion Penitentiaries.

The Hon. J. V. Ellis, M.P., Editor of St. John's, New Brunswick, *Globe*.

The Hon. François Langelier, M.P., Mayor of Quebec, ex-Treasurer, and ex-Commissioner of Crown Lands in the Government of Quebec, and Professor of Civil Law in Laval University.

Hon. J. J. Curran, M.P.

Hon. Wm. D. Balfour, M.P.

Hon. N. Flood-Davin, M.P.

Hon. T. Coughlin, M.P.

Hon. Edward Murphy, M.P. ("Canadian Father of Home Rule.")

ECCLIASTICAL, EDUCATIONAL, LITERARY, PROFESSIONAL, &c., &c., &c.

His Grace the Most Rev. Cornelius O'Brien, Archbishop of Halifax, Head of Catholic Hierarchy, Canada.

Right Rev. Elphège Gravel (French-Canadian), Bishop of Nicolet.

His Eminence Cardinal Taschereau, Cardinal-Archbishop of Quebec.

Right Rev. Dr. Cameron, Bishop of Nova Scotia (Antigonish).

Right Rev. Monsignor Begin (French-Canadian), Bishop of Chicoutimi.

The Most Rev. Dr. Cleary, Bishop of Kingston.

The Bishop of St. Hyacinth (French-Canadian).

The Hon. D. A. O'Sullivan, D.L.L. of Laval University, a distinguished Canadian Barrister, and ex-Commissioner of Prison Reform.

H. J. Cloran, Barrister, and President of St. Patrick's Society, Montreal, and senior member of the important firm of Cloran and Beddard, Advocates, Barristers, &c., Montreal.

Hon. F. R. Latchford, Barrister.

The Rev. A. Burns, D.D., LL.D., Principal of the Wesleyan Methodist Ladies' College, Hamilton, Ontario.

The Rev. W. S. Griffin, Methodist Minister, Stratford, Ontario, Canada.

Rev. E. H. Dewart, Editor of the *Christian Guardian*, Methodist.

Rev. E. A. Murray, P.P., Coburg, Ontario, brother of the late Chevalier Murray, of the Papal Zouaves.

Rev. John F. Coffey, Editor of *United Canada*, Ottawa.

George Stewart, Jun., LL.D., Editor of Quebec *Morning Chronicle*, Fellow of the Royal Canadian Society, &c., &c.

Hon. H. Beaupré, ex-Mayor of Montreal, and Editor of *La Patrie*, Montreal.

Hon. J. W. Fitzgerald, an extensive Business Man in Peterborough, Canada.

Hon. Eugene O'Keefe, Brewer and Banker, of the City of Toronto.

Hon. W. A. Lee Senior Partner of the extensive firm of William A. Lee and Son, General Agents, Real Estate, Insurance, and Loan Brokers, Valuators, and Arbitrators, Toronto.

Very Rev. Dean O'Connor, Chesterville.

Rev. W. Flannery, P.P., St. Thomas, Ontario, Canada, Associate Editor of the London *Catholic Record*.

Very Rev. Canon O'Donnell, St. Denis, Diocese of St. Hyacinth, Province of Quebec.

Rev. J. F. M'Bride, St. Michael's College, Toronto.

The Irish National League of Peterborough, Ontario.

St. Anne's Total Abstinence and Benefit Society, Montreal.

(26.)

*The Hon. WILFRED LAURIER, M.P., Leader of the Grit Opposition,
Ex-Privy Councillor of the Queen's Privy Council of Canada, and
Ex-Minister of Inland Revenue of Canada.*

House of Commons,

Ottawa, Canada.

DEAR SIR—I have your letter of the 22nd ult. I had occasion to express my views upon the subject referred to in a short address which I delivered on St. Patrick's Day last before the Literary Institute of Ottawa.

Should occasion again offer during the present session, or any other time, for me to speak on the same subject, I would deem it my duty to repeat my views.—Very truly yours,

WILFRED LAURIER.

In the course of the speech upon the occasion to which he refers, Mr. Laurier said—

"He did not know how far fitting it was for him, of French origin, to come forward that night to address an Irish audience and to speak upon 'Ireland.' Claiming to be a friend of liberty, he loved Ireland. Her history is a history of martyrdom, and therefore he loved her and bade her God-speed in her present struggle. If we looked towards Ireland at the present time, there was much to depress, but there was also much to cheer. It was sad to see in that country crimes invented in order to coerce the poor people because they loved their native land. It was sad beyond expression to see pure, noble men like Dillon, and O'Brien, shaved and stripped of their clothing for no crime other than having said something that was not to the taste of the English Chief Secretary for Ireland. It was monstrous to witness such things in this age."

(27.)

The Hon. JOHN COSTIGAN, Minister of Inland Revenue, Dominion Parliament.

It may be interesting to observe that the Hon. John Costigan, M.P., present Conservative Minister of Inland Revenue, addressed the meeting immediately after Mr. Laurier. Thus, in Canada, party considerations are thrown aside when the Irish question is under consideration, and we find Conservative and Liberal emulating each other in their desire to express their sympathy with Ireland.

(28.)

Colonel E. EUGENE PANET, Deputy-Minister of Militia Defence in the present Conservative Government, and Ex-Senator, Canadian Parliament.

Ottawa.

SIR—In answer to your letter of the 22nd ult., I have no hesitation in forwarding my condemnation of the sort of treatment inflicted on political prisoners in Ireland. It is difficult to reconcile the high-toned

and noble qualities of the Anglo-Saxon race with such tyrannical acts. A day of reckoning must come. Nations as well as individuals are amenable to the Divine Ruler, who gives and takes at His holy will; and I really believe that the mad course which is followed, and which is sure to hasten the solution of the great question at stake, is a consequence of the interference of Divine Providence, since, *Quem Deus vult perdere prius dementat*.—I remain, sir, your most obedient servant,

E. EUG. PANET, Col.

(29.)

Mr. OWEN MURPHY, Member of the Provincial Parliament of Quebec, ex-Mayor of the City of Quebec, and ex-President of the Board of Trade of the City of Quebec.

Quebec.

MY DEAR SIR—I am in receipt of your letter of the 22nd inst. I need hardly tell you what my opinions are as to the way political prisoners are treated in Irish prisons. Such treatment is an outrage, a disgrace to the civilization of the age in which we live. The idea of men of culture, such as Catholic clergymen, members of Parliament, &c., being subject to the indignity of wearing prison garb, and herding with thieves and such criminals, is a condition of things worthy of the dark or barbarous ages; but that such should exist in the heart of the British Empire, under the flag of Great Britain, and practised upon a people who are struggling for self-government, within constitutional lines, will be read by future generations in the history of the age we live in, with feelings of shame and indignation.—In haste, yours sincerely,

OWEN MURPHY.

(30.)

His Grace the Most Rev. CORNELIUS O'BRIEN, Archbishop of Halifax and Head of the Catholic Hierarchy of Canaaa. His Grace is author of several published works.

Halifax.

DEAR SIR—In discussing the treatment of prisoners in a civilized community, a broad distinction must be made between those who have violated the moral as well as the civil law by their criminal acts, and those who have simply infringed the provisions of a Parliamentary enactment, which is merely a public regulation, or aimed against a political party. An Act of Parliament does not necessarily induce an obligation in conscience; and when that Act is an open violation of the primary rights of freemen, resistance to it is often a duty.

Now, it is clear to any reasonable man that the Coercion Act in force in Ireland is at best a public regulation; in the view of the vast majority of the civilized, it is an obvious tyranny.

But let that pass. It can claim to be no more than an attempt to govern a nation according to the views of a party. Hence it cannot make

a moral act immoral. What was licit in conscience before its passage, is licit now. The man who disregards it, unless it should happen on some point to coincide with the moral law, incurs no moral stain. His honour and integrity remain unimpaired; the tone of his mind is not lowered; the degradation of crime does not shadow his soul. What dispassionate reason thus establishes, the actions of good and noble men ratify. Who would shrink from intimate contact with William O'Brien, or Mr. Harrington, or any of the other "criminals" of coercion? You may deny a fact, but you cannot refute it, so you may cry out "criminal," but you cannot affix crime to a soul by Act of Parliament.

It is plain then, that if a Government really, and honestly, believes it to be necessary to carry out restrictive police regulations, it must do so in such a way as to respect the honour and integrity of its victims. It may inflict punishments, but when it attempts to degrade, it is playing the tyrant, it breaks the moral law, sins against commutative justice, and violates the fundamental principle of government—viz., the protection of the rights of citizens. Even semi-civilized nations have recognised this, and always and everywhere the political prisoner has enjoyed immunities denied to the criminal. But when a political prisoner only embodies the hopes and voices the aspirations of a nation, the shame of treating him after the fashion employed with sordid criminals is only equalled by its guilt. *We in Canada would soon put an end to such tyranny. Should the indignities in Clonmel be perpetrated in our jails, they would be razed to the ground in twenty-four hours.*

✚ C. O'BRIEN,

Archbishop of Halifax.

(31.)

The Right Rev. ELPIÈGE GRAVEL, French-Canadian Bishop of Nicolet.

MON CHER MONSIEUR—Je m'empresse de répondre à votre lettre du 17 du courant.

Le traitement infligé aux prisonniers politiques en Irlande, a dû péniblement impressionner tous les vrais amis de la religion et de la liberté. Dans les temps du paganisme, alors que la religion était la déification des passions humaines, et la liberté une moquerie, on considérait les prisonniers politiques comme les pires criminels. Il n'y avait pas de cachots assez sombres, ni de supplices assez cruels pour les vaincus. *Vae Victis!* c'était le droit public payen.

Mais le Christianisme a adouci ces mœurs barbares. Les législations qui ont pris naissance, sous son inspiration ont su faire la distinction entre un patriote qui par des revendications pacifiques, sans porter atteinte aucune à la majesté de la couronne, travaille à soulager les mis misères imméritées de ses frères, et le scélérat coupable de toutes les félonies.

C'est une source de regrets pour les loyaux sujets de sa Majesté, qui vivent en Amérique, de voir que les hommes publics d'Angleterre s'obstinent à conserver cet esprit payen dans la législation à l'égard de l'Irlande. Je fais des vœux pour que le Dieu qui a vaincu le paganisme, inspire aux hommes illustres, qui ont les destinées de la Grande Bretagne

entre les mains, de recourir à des procédés plus Cretiens à l'égard de patriotes Irlandais, qui généralement n'ont pas d'autres crimes à leur charge, que de travailler, par des moyens constitutionnels, à adoucir le sort cruel de leurs concitoyens.—J'ai l'honneur d'être, mon cher monsieur, votre dévoué serviteur.

✠ ELPHÉGE GRAVEL.

Evêque de Nicolet.

The following is a translation of the above :—

"MY DEAR SIR,—I hasten to reply to your letter of the 17th inst.

"The treatment to which political prisoners in Ireland are subjected must have produced a painful impression on every true friend of religion and liberty. In pagan times, when religion was the deification of human passions, and liberty was but a mockery, political prisoners were regarded as the worst class of criminals. There was no dungeon dark enough, no tortures sufficiently cruel for the vanquished. *Vae Victis!*—this was the maxim of public law for the pagan.

"But Christianity has modified these pagan notions. The legislation, which it has inspired, has made a distinction between the patriot who, without attacking the Majesty of the Crown, endeavours by peaceful agitation to lighten the undeserved hardships of his fellow-creatures, and the criminal who has committed a felony.

"It is a source of regret, to all the loyal subjects of her Majesty in America, to see the statesmen of England obstinately maintaining the pagan spirit in their legislation.

"I earnestly pray that the God, who has overthrown Paganism, may lead the illustrious men, who guide the destinies of Great Britain, to more Christian measures towards the Irish patriots, who for the most part are guilty of no greater crime than endeavouring, by constitutional means, to relieve the hard lot of their fellow-citizens.—I have the honour to be, my dear sir, your devoted servant.

✠ ELPHÉGE GRAVEL.

"Bishop of Nicolet."

(32.)

His Eminence CARDINAL TASCHEREAU, Cardinal Archbishop of Quebec.

Archêveche, Quebec.

MONSIEUR—J'ai une grande sympathie pour l'Irlande, et tous les jours je demande à Dieu de la bénir, et de lui accorder la liberté et la bonheur en récompense à sa fidélité à la foi reçue de St. Patrice.

Votre tant dévoué serviteur,

✠ E. A. CARD. TASCHEREAU,

Arch. de Québec.

The following is a translation of the above :—

"I feel great sympathy for Ireland, and every day I pray to God to bless her, and to give her liberty and happiness in return for her fidelity to the faith, which she received from St. Patrick.

"Your very devoted servant,

"✠ E. A. CARD. TASCHEREAU,

"Arch. of Quebec."

(33.)

The Right Rev. JOHN CAMERON, Bishop of Antigonish, Canada.

Antigonish.

DEAR SIR—In reply to yours of the 22nd ult., I beg leave to say that while the people of Eastern Nova Scotia and Cape Breton are, and have every reason to be, most loyal to the British throne, the treatment of political prisoners now practised in Ireland, is regarded as infamous and preposterous, not only by every member of my flock, comprising 43,000 Scottish Highlanders, 18,000 French Canadians, and 12,000 Irishmen, but also generally by all the other still more numerous Christian denominations amongst whom we live. As sincere well-wishers of Great Britain and Ireland, we wish to see both nations united in the true sense of the term, the same obedience regulating every subject, the same heart animating every breast, and the same spirit dictating every action of every member, with a common interest in the preservation of the whole empire. We feel that a salutary union can never be achieved under the present infatuated reign of terror, and we therefore earnestly hope and pray that the Great Giver of every excellent and perfect gift, will soon put an end to the present policy, more worthy of Anarchists than enlightened statesmen. It being worse than wicked to ignore any longer the impregnable strength of the self-evident justice of the Irish cause, advocated as it is at home by such mighty leaders, in Church and State—in England, by the electrifying genius of a Gladstone, and everywhere throughout the British Empire by every unbiassed lover of her perpetual glory—I ardently trust that Englishmen, like Scotchmen, will now realise the supreme folly of pursuing an unrighteous policy, simply calculated to paralyse Irish loyalty and thus to weaken and disgrace British power.—I have the honour to remain, dear Sir, faithfully yours in Christ,

✠ JOHN CAMERON,

Bishop of Antigonish.

(34.)

The Right Rev. Monsgr. BEGIN, French-Canadian Bishop of Chicoutimi.

Evêché Chicoutimi.

BIEN CHER MONSIEUR—La malheureuse Irlande a certainement toutes mes sympathies: son attachement inébranlable à la foi Catholique; la

persecution terrible, dont elle a eu à souffrir depuis trois siècles, sont bien de nature à conquérir l'unanime admiration des peuples et l'enthousiasme de tous les nobles cœurs. Je n'ai jamais lu l'histoire de cette nation martyre, sans être ému jusqu' au fond de l'âme les souffrances de pauvres victimes, sur le sol de leur bien aimée patrie comme sur la terre étrangère, ont bien souvent excité ma compassion. Ja ne me suis pas contenté d'une stérile pitié; tous les jours je demande, et je demanderai encore, au bon Dieu, de faire cesser l'oppression sans exemple, sous laquelle gemit l'excellent peuple Irlandais, et de lui rendre la liberté, à laquelle il aspire depuis si longtemps.

Avec les vœux ardents, que je forme pour l'indépendance de la chère Irlande, agreez, bien cher monsieur l'hommage de mon entier dévouement en N.S.

✠ L. N. EV. CHICONTIMI.

The following is a translation of the above :—

Bishop's House, Chicontimi.

MY DEAR SIR—Unhappy Ireland has without doubt my entire sympathy. Her unalterable attachment to the Catholic faith, and the terrible persecution she has had to go through during the last three centuries, are well calculated to command the unanimous admiration of the world, and the enthusiasm of every generous mind. I have never read the history of this martyred country without experiencing the most profound emotion of the soul. The sufferings of the unfortunate victims, both at home in their well-beloved country and in the land of the stranger, have often moved me to the greatest compassion. I am not content with an idle sympathy; but every day I pray, and shall continue to pray, to the great God to terminate the unparalleled oppression under which the Irish people suffer, and to give back to Ireland the liberty which she has sought for so long.

With the expression of my ardent desire for the independence of dear Ireland, accept, my dear sir, the homage, &c.,

L. N. BISHOP CHICONTIMI.

(35.)

The Right Rev. JAMES VINCENT CLEARY, Bishop of Kingston, Canada.

Bishop's Palace, Kingston, Canada.

In a general assembly of the clergy of the Diocese of Kingston, in Canada, held in the Bishop's Palace, the Most Rev. James Cleary, Lord Bishop of Kingston, in the chair, the following resolutions, proposed by the Very Rev. Dean Gauthier, pastor of Brockville, and seconded by the Rev. Charles B. Murray, pastor of Cornwall, were passed with acclamation :—

"That we, the bishops and priests of the Diocese of Kingston, Ontario, Canada, as free citizens of this Dominion, enjoying the social and political

advantages of Home Rule, under the Constitution guaranteed to us by her Most Gracious Majesty Queen Victoria, with the consent of both Houses of the Imperial Parliament, deplore the prolonged servitude of the Irish people, bereft of their native Legislature, and oppressed by laws enacted against them in an alien Parliament, the majority of whose members are unacquainted with Irish grievances, and the just methods of remedying them.

"That the seizure and imprisonment of Ireland's Parliamentary representatives, because of their having exercised their legitimate right under the Constitution, to meet their constituents and consult with them upon their political requirements, is a crime against a fundamental law of national existence, superior to London-made law, and is a direct incentive to the people of Ireland to regard Parliamentary methods of redress of grievances as a mockery, and consequently to have recourse to methods of violence, through the agency of secret associations or otherwise, for their self-protection."

"That we have read with disgust and abhorrence, the journalistic accounts of the brutal ill-usage of Ireland's elected representatives in the prison-cells of Tullamore, and Clonmel, under cover of the Coercion Act—how they have been stripped naked, shorn of their hair and beards, compelled to lie upon the plank bed, forcibly clothed in the felon's garb, and in divers other ways shamefully outraged, and we have no hesitation in condemning such abuse of power by the present Prime Minister of England and his nephew in Ireland, as a tyranny, inconsistent with the first principles of civilized government, and a stain upon the escutcheon of England, tending to reduce her from her foremost place of honour amongst the nations, as the persistent guardian and champion of parliamentary legislation, and of the popular liberties identified with its historical development; and we hereby, on behalf of ourselves and our flocks, of whose sentiments we are thoroughly informed, respectfully tender to the struggling Irish people and to the Irish Parliamentary Party, wisely guided by Mr. Parnell, and especially to the imprisoned and insulted representatives of Ireland, our heartfelt sympathy with them and their most righteous cause, our hopes for their speedy success, and our admiration of the noble spirit of self-sacrifice, and dauntless fortitude, with which the terrors of despotism and the horrors of the dungeon are foiled, and folied by Irish patriots of purest honour and unblurred virtue."

✠ JAMES VINCENT CLEARY, S.T.D.

Bishop of Kingston,

Chairman.

(36.)

BISHOP OF ST. HYACINTH.

His Lordship writes to say that he has great sympathy for Ireland, and takes interest in her affairs, but is not sufficiently acquainted with them to offer an opinion upon the subject in question.

(37.)

The Hon. JAMES G. MOYLAN, Chief Inspector of Dominion Penitentiaries.

Daly-street, Ottawa.

DEAR SIR—In reply to your request that I should give you my opinion upon the treatment to which political prisoners are subjected in Ireland, I beg leave to say, in my unofficial capacity, that I consider it unjust, brutal, and unworthy of a civilized nation such as England.

It is unjust, because these men are not criminals; they resort to no means to promote their patriotic object that could possibly be considered immoral. When forced to resist unlawful measures they scrupulously remained on the defensive, and advised their hearers to adopt the same course. Now, it is not a principle of national equity, that punishment should be in excess of fault.

It is brutal and tyrannical to place men of respectability, and unblemished reputation, upon the same low level with hardened and habitual criminals, and to force upon them the same punishments, which society resorts to only in extreme cases, and against its most disreputable members. Moreover, where politics are concerned, the policy of the Government in thus treating those who uphold, in their practical consequences and bearings, the views of the opposition, opens the door to the most revolting abuses.

Finally, it is unworthy a civilized nation. Everywhere, save in cases of treason, murder, and other attempts against the life and property of citizens, political prisoners are dealt with rather leniently.

It ill becomes England, who has given an asylum and refuge to revolutionary cut-throats and assassins, including Orsini, to adopt such measures against Irish patriots, who are guiltless of crime, for even an Act of Parliament cannot render criminal what is morally right and just.

Beyond all doubt, the English people at large, if consulted, would be very unanimous in condemning Balfourism as unjust, brutal, and disgraceful to the country.—Very truly yours,

JAMES G. MOYLAN.

(38.)

Mr. D. A. O'SULLIVAN, D.LL., of Laval University, a distinguished Canadian Barrister, and ex-Commissioner on Prison Reform.

Toronto.

DEAR SIR—To subject persons, charged with political offences, to punishment by imprisonment with the common criminal, is contrary to modern principles of good government. As far back as the reign of George III. the Imperial Parliament recognized the right of a person committed by civil process not to be incarcerated with the Newgate criminal—(*Ex parte Masters*, 33, L.J.O.B., 1461); and it would seem monstrous, in our own day, that any person whose offence is the propagation of views purely political, neither treasonable nor revolutionary, should be classed with the common felon. Those views may, in the course of a twelvemonth,

become the law of the land, and entitled to the same obedience as any law now on the statute book.

The entire treatment of political offences has been distinguished from the treatment of other offences, not only in municipal but also in international law. *Political writers have not failed to notice the "jealousy and firmness with which all modern nations refuse the extradition, for trial and punishment, of fugitives charged with political offences; and that circumstance ought to impress upon them, the care with which they should proceed to the punishment of their own citizens for the like offence."*—(Yeaman, "Study of Government.")—(See Part I.)

The learned writer just quoted, after discussing the discretion allowed by treaty for the extradition of criminals, adds—"But from this right and duty of surrendering such criminals, extradition for political offences is always excepted, and there is a sufficient foundation for this in the common sentiment of mankind. That sentiment points to what may ultimately become the municipal as well as the international law."

Apart from the wanton cruelty of compelling men, enjoying the high esteem of their fellow-men, to associate with persons who are really or *prima facie* criminals, there is the attempted degradation of political offenders by endeavouring to make them appear criminal in the public eye. *It is a sort of legalized discrediting of a nation's public men.*

Speaking as an ex-commissioner on prison reform, I sympathise sincerely with any man who is wrongfully lodged in the same prison with the ordinary criminal. It is a dangerous thing for the State to knowingly subject one of its own unconvicted citizens to a Newgate influence. It is ungenerous, to say the least, that those at the head of the State to-day should treat their opponents as felons, knowing at the same time that it may be their own case, with these felons at the head of the State to-morrow.—Yours truly,

D. A. O'SULLIVAN

(39.)

The Hon. JOHN V. ELLIS, M.P., Editor of the St. John, New Brunswick, "Globe."

Globe Office, St. John, N. B.

DEAR SIR—The treatment of the political prisoners in the jails of the United Kingdom, as though they were common felons, is so contrary to the feelings and to the sense of justice of the Canadian people, that it is difficult to find any person in Canada, who can even speak of the matter in moderate terms. In a land where there is the broadest sense of freedom, where political questions, both theoretical and actual, are discussed with the greatest breadth of thought, and with the fullest licence of language, and where men do this on the assumption, that they have derived the right through English connection and descent, the mind is almost dazed when it is compelled to believe, that in the mother country, the public man, discussing public questions, from the point of view which he believes to be the best for the public interest, is imprisoned, and while in prison, compelled to the same degradation as the wretched violator of the moral law, whose

offences are against organized humanity as well as against the national code.

In my humble judgment, the harsh and cruel treatment of Irish political prisoners, including editors of public journals and men elected by the suffrages of the people to seats in the National Legislature, *has done much to shake Colonial faith in Imperial justice.* To many in Canada the condition of things of which I am writing has been a sad surprise. *It has awakened fear lest the national liberty may be seriously and permanently impaired; for what has been done to-day against the public men in Ireland, may be done to-morrow against English politicians, who adopt lines of discussion and agitation, contrary to the ideas of those temporarily controlling Parliament.*

The fair-minded man revolts at the treatment of Irish public men in the jails of that country. Throughout Canada there is a positive, absolute, and acute principle of dislike in the people generally, against the cruel proceedings, under which so many men in Ireland have been imprisoned, and this dislike is heightened and intensified by the statements, which have come across the waters, of the treatment of the prisoners, while in custody of their jailers, treatment clearly intended not only to inflict physical pain, but severe suffering. One result is that there is scarcely a Canadian journal of any character—I know of none—which defends or palliates these acts. On the contrary, they are severely condemned. There is no evil without some attendant good. The sufferings and indignities imposed upon patriotic Irishmen, have increased and intensified Canadian feeling in favour of Home Rule for Ireland. Throughout this country to-day, there is a large and ever-growing majority, desirous of seeing an end to a struggle, which brings no honour to England. But, unfortunately, the tie of kinship is loosened, and love for the mother country is weakened in one of her great colonies, by imposing upon political prisoners dishonouring and inhuman punishments—punishments which are not even inflicted upon the ordinary occupants of colonial jails, but are reserved for the occasional punishment of the worst type of uncontrollable convicts in Canadian penitentiaries.

The national honour and the national interest demand a speedy change of a system so generally condemned in America.

Yours truly,

JOHN V. ELLIS.

(10.)

The Hon. FRANCOIS LANGEЛИER, M.P., Mayor of Quebec, Ontario, Ex-Treasurer and Ex-Commissioner of Crown Lands in the Government of Quebec, and Professor of Civil Law in Laval University, Quebec.

House of Commons, Ottawa.

MY DEAR SIR—Yours of the 22nd ult., on account probably of a trip to Quebec, has only come into my hands.

I have no hesitation in saying that the treatment of political prisoners by Mr. Balfour is a disgrace to the Government to which he belongs, and

an outrage to civilization. If, at the time the cruelties of King Bomba were being exposed so mercilessly by Mr. Gladstone and the British Press, somebody had asserted that the same thing would be done in the United Kingdom, the assertion would have been taken up as a deliberate insult to the British nation.

What we see now is just as bad, if not worse, than what King Ferdinand was then doing at Naples, with this aggravation, that King Ferdinand was ruling under a despotic system of government, whereas the outrages perpetrated on the order of Mr. Balfour are being carried out under a free government. Even under the reign of Napoleon III. in France, no Minister would have dared to inflict, on one of the newspaper men sent to jail for Press offences, the treatment meted out to Mr. Wm. O'Brien and others. They were simply deprived of their liberty, but, for the rest, were allowed to live as they would have done at home. If they had been treated like thieves or murderers there would have been a revolt within a fortnight.—Yours very truly,

F. LANGEIER.

(41.)

The Hon. J. J. CURRAN, Q.C., M.P.

House of Commons, Canada.

DEAR SIR—I have your note asking my opinion on the "Treatment of Political Prisoners" as now being practised in Ireland.

I have already expressed my views on this subject so often in public audiences, that I cannot add anything to my well-known opinions. Possibly the subject may be again before the Canadian public in a short time, and the friends of Ireland may be enabled to once more enter their protest against the present system of unjustifiable coercion, and the attempt to degrade honourable men engaged in a constitutional agitation.—Yours sincerely,

J. J. CURRAN, M.P.

(42.)

The Hon. WM. D. BALFOUR, M.P., Provincial Legislature of Ontario.

Legislative Assembly, Ontario,
Amherstburg, Ontario.

MY DEAR SIR—I have your communication of the 22nd ult., in regard to an expression of opinion upon the "Treatment of Political Prisoners" as now practised in Ireland.

I have not the slightest hesitation in saying that the outrageous treatment, meted out to the political prisoners in Ireland by the British Government, has made English law and English justice, as applied to Ireland, a mockery and by-word among many hitherto loyal British subjects in this section of Canada. Living in a country such as we do, where the utmost freedom of speech and action in matters political is demanded by, and accorded to, every citizen, one is almost at a loss to understand how

such a state of affairs as is found in Ireland to-day can exist in any country under British rule.

No Government could exist in Canada for a day that would attempt to treat political prisoners—especially representatives of the people—as common felons. Were a tithe of the oppression attempted here that is carried out in Ireland, nothing could prevent our people rising en masse, and by open rebellion resenting the indignities, and meting out proper punishment to their oppressors, in whatever office or situation in life they were found.

I am not an Irishman myself, but the opinions I express are not held by Irishmen alone. In writing as I do I but give expression to an almost universal sentiment, among men of all classes and nationalities and creeds in these south-western counties of the province of Ontario. The Englishmen, the Scotchmen, the Frenchmen, and the Africans, as well as the Irishmen, who compose our population, will all rejoice together when the rapidly-approaching day arrives, when Irishmen in Ireland will have as complete control over their local affairs, as their kinsmen in Canada have of theirs.—I have the honour to be, faithfully yours,

WM. D. BALFOUR,

Member of the Province Legislature of Ontario.

(43.)

The Hon. NICHOLAS FLOOD-DAVIN, M.P., Asiniboina.

House of Commons, Ottawa, Ontario.

DEAR SIR—I regret I have not a copy of my speech on Home Rule, made in 1887, in the House of Commons. You will find it in the Canadian "Hansard."

I may tell you briefly that my view is this, that it would be better for the Imperial Government, if some system like our Canadian system were applied to Ireland.—I am, dear sir, yours truly,

NICHOLAS FLOOD-DAVIN.

(44.)

The Hon. T. COUGHLIN, M.P., Canadian Parliament.

House of Commons,
Ottawa.

DEAR SIR—In reply to yours of the 22nd ult., I can only say that the manner in which political prisoners, be they clergymen, or members of Parliament, or simple peasants, are being treated in Ireland, is simply an outrage on our common feelings of humanity. To refer to one instance of a comparatively recent occurrence, the episode of the arrest and imprisonment of the pure-minded, self-sacrificing, Wm. O'Brien. One day we saw him addressing thousands of Englishmen in the Town Hall of one of England's chief cities; he was the honoured guest of the Mayor of the

city, occupying the very room and bed which had been last occupied by the eldest son of the heir apparent to the throne; within forty-eight hours we saw him struggling upon the floor of his prison cell in Ireland, with seven jailors (Mr. Balfour says there were only six of them), who sought to remove his own clothes and substitute those worn by the murderer and the thief. All these indignities, and more, have we witnessed; and we ask ourselves, is it possible that these things can be done under British law and in the last quarter of the boasted civilization of the nineteenth century?

What more can I, need I, say? Of one thing I am quite sure—they would not be tolerated for one short period of twenty-four hours in “this Canada of ours.”—I remain, yours truly,

T. COUGHLIN.

(45.)

H. BEAUGRAND, Ex-Mayor of Montreal, and Editor of that universally known paper, La Patrie.

Montreal.

DEAR SIR,—It does not seem as if there could be two opinions about the treatment inflicted on the Irish political prisoners, by the present Government of England. Viewed from afar, and judged from an impartial and purely humanitarian standpoint, it is both cruel and immoral in the extreme, and it is a wonder to me that you can at the present age find men in the British Parliament to apply, or to defend, such a system of barbarous coercion.—Yours, &c.

H. BEAUGRAND.

(46.)

H. J. CLORAN, Barrister, and President of St. Patrick's Society, Montreal, and senior member of the important firm of Cloran and Beddard, advocates, barristers, &c., Montreal.

118 St. James's Street, Montreal.

DEAR SIR—Your favour, dated the 22nd ult., and asking for an expression of opinion on “the treatment of Irish political prisoners,” is just to hand.

The system of placing political prisoners, many of them public representative men, on the same footing with common thieves, wife-beaters, and murderers, may command the sanction of Ireland's political adversaries in the present House of Commons, but from all the indications on the electoral horizon in Great Britain, it is quite safe to say that the great heart of the nation is sick at, and wishes to be relieved of, the indecent spectacle.

No good or lawful purpose can be served by confounding political offenders with low and revolting crime, and it is contrary to all sense of decency and justice, as well as to the universal practice among free and civilized peoples, to punish a political offender with the same severity and degradation as that meted out to fiends.

Public opinion abroad, whether expressed in the columns of the Press, from the platform, or on the floors of National or State Legislatures, brands Balfour's treatment of Irish political prisoners as a blot upon England's name, and a disgrace to civilization, for that treatment is characterized by most unjustifiable rigour—not to say brutality—and by unqualified indignities shown to the victims of the Government's anger or fear—Your obedient servant,

H. J. CLOHAN.

(47.)

At a mass-meeting of the Peterborough (Canada) Branch of the Irish National League, Mr. THOMAS CAHILL, President, in the chair, the following resolutions were passed unanimously :

"That this meeting records its sympathy with William O'Brien, M.P., and the other political prisoners in Ireland, in their sufferings for the cause of Ireland and humanity, and that we view with alarm the manner in which the liberty of the person and freedom of speech is wrongly restricted, by the tyrannous acts of the executive of the present Government in Ireland."

Proposed by Mr. Charles J. Leonard, and seconded by Mr. John Cor-kerry :—

"That, as British subjects, we desire to place on record our hearty detestation of the base means taken to degrade the leaders of the Irish people, who have been imprisoned for political offences, by subjecting them to the treatment reserved for common felons only. That in our opinion such treatment, savours of vindictive feeling, created by personal animosities, and will, if persisted in, incite the passions of the Irish people to such a pitch as will place them beyond the control or persuasion of their leaders."

(48).

St. Anne's Total Abstinence and Benefit Society.

Montreal.

DEAR SIR—At a large and representative meeting of the St. Anne's T. A. and B. Society, held in St. Anne's Hall, the following resolutions were carried unanimously by a standing vote :—

"Whereas, this society has learned with feelings of disgust of the brutal and inhuman treatment to which patriots have been subjected by the prison authorities in Ireland, by being placed on a level with felons and criminals; and

"Whereas, we regard this treatment as cruel and tyrannical, their offence being what is called 'Political;'

"We hereby enter our solemn protest against such a system of prison treatment, and call upon all lovers of justice and freedom to raise their voice against such a state of things in the hope that a speedy remedy may be obtained."

"Resolved—That we tender our sincere thanks to the Dublin

Freeman's Journal for its action in the matter, and wish the paper every success in its patriotic work."

We have the honour to be, yours most respectfully,

P. KENNEDY, President.

JAMES MAGUIRE, Secretary.

(49.)

Mr. F. R. LATCHFORD, President of the Celtic Benefit Association, and a distinguished Barrister.

Ottawa.

DEAR SIR—I beg to acknowledge the receipt of your letter of the 22nd ult., addressed to me as President of the Celtic Benefit Association, in which you request an expression of opinion, regarding the treatment to which political prisoners are subjected in Ireland.

I am led to consider that it is an expression of the opinion of the Society, over which I have the honour to preside, that you are desirous of obtaining. The Celtic Association, I am glad to be able to say, having no hope of reward for treachery dangled before the eyes of its members, and fearing not the worst its enemies—and they are not few—can do or say against it, has never hesitated to express its opinion upon this or any other subject of special interest to Irish Canadians. It has never hesitated as to what line of action it should adopt, when there was a question of anything that could arouse or fortify in the breasts of its members, that spirit of unselfish patriotism, whose best exponents and highest exemplars are, to-day, John Dillon and William O'Brien. In fact, one of the chief objects of the Association, and that to which it owes, in an especial manner, its strength and success, is the promotion among the younger Irish Catholics of this city of a healthier form of Irish Nationality, than had previously existed. Such being the spirit and aim of the Association, you will not, I am sure, be surprised to learn that we anticipated to some extent the object of your letter, and long ago passed a resolution, a copy of which I beg to enclose.—Yours sincerely,

FRANK R. LATCHFORD.

The following is a copy of the resolutions referred to in Mr. Latchford's letter:—

"That we denounce as infamous, the baseness of the Salisbury Government in revenging the defeat of themselves and their confederates on their political opponents by illegal, wanton, indecent, and inhuman violence and cruelty inflicted upon them, to the imminent danger of their lives, whilst they are prisoners in their hands."

"That, as Canadians, we desire to record our emphatic protest against the continuance of a policy, that is a menace to the public peace of Ireland, and has stirred up in the United States a feeling that is in the highest degree inimical to the friendly relations which should subsist between the Dominion of Canada and the American Republic."

(50).

The Rev. A. BURNS, D.D., LL.D., Principal of the Wesleyan Methodist Ladies' College, Hamilton, Ontario.

Ladies' College
Hamilton, Ontario.

DEAR SIR—You ask for my “opinion upon the treatment of political prisoners as now practised in Ireland,” and I comply at once.

It is painful to one, who would love to think of his country as the most enlightened and liberal nation on earth, to see her throw into a common category the idolized patriot and the common criminal. England's treatment of Irish Members of Parliament and other political offenders is a sad blot on her good name, one of the grossest governmental anachronisms of our day. It might suit the political enlightenment of Constantinople or St. Petersburg, but certainly the children of Britain, the wide world over, blush to see her stoop to such unseemly severity.

Were the object to irritate and exasperate even to desperation, Bal-fourism could not have been better devised or executed. As an Irishman I consider the system an insult—a studied insult—to my countrymen everywhere. Were these patriots criminals we would be silent. But it is notorious that their crime consists, not in violating ordinary British law, but in running foul of special enactments, that seem to have been made to provoke to violence and crime. From all that I know of the conduct, for which they have been treated with such cruelty and indignity, it would not be considered criminal in any other part of the British Empire. Were the land system in Ireland transferred to Canada it would not be tolerated for a week. Loyal Canadians would find a Plan of Campaign. Wishing for the real union of Ireland and England, I trust that the present irritating and offensive system may soon cease, and that those charged with mere political offences in Ireland may receive that consideration that would be granted to political prisoners by the nations of Western Europe and the Governments of North America.—I am, yours truly,

A. BURNS, D.D., LL.D.

(51).

Rev. E. H. DEWART, Minister, and Editor of the “Christian Guardian,” Methodist.

The Christian Guardian Office,
(One of the oldest and most widely circulated religious weeklies in Canada.)

Toronto, Canada.

DEAR SIR—In answer to your inquiry respecting my views on the recent treatment of political prisoners in Ireland, I may say briefly—1. I believe it is adapted to prolong and increase the irritation, and dissatisfaction, for which it is assumed to be a remedy. 2. It is contrary to the

freedom of speech, by which all great reforms have been achieved; and 3. In its barbarism and cruelty it is utterly out of harmony with the humane spirit of modern civilization.—Yours very truly,

E. H. DEWART.

(52.)

*The Rev. W. S. GRIFFIN, Methodist Minister, Stratford Ontario,
Canada.*

Stratford, Ontario.

DEAR SIR—We are constantly discovering, what are to us, new features in the social and temporal circumstances of the Irish people, and forming clearer views of the relations of Catholic and Protestant communities to each other and to the Government, and, as the result, there is a rapidly growing sympathy with every legitimate effort in the direction of Home Rule.

I do not employ my feeble pen to discuss the merits of the question at issue; that is a business which belongs to journalists and orators of the country, and a business which they are managing well; but against the policy of the Government in its cruel treatment of imprisoned Irish patriots, even we have something to say. They are our fellow-citizens, and have for us a relationship more intimate and sacred than that which is admitted to arise from the common brotherhood of man. They are children of the same household (for a nation is a family on a large scale), and any outrage committed on them, will naturally and certainly be resented, as an insult and an injury done to all.

We are loyal subjects of the realm. In Great Britain itself there are never seen more enthusiastic exhibitions of loyalty. Nevertheless, I confidently say, there has arisen a mixed feeling of condemnation and humiliation, in view of the fact that the mighty Government of an enlightened and liberal nation, has resorted to a petty and pitiful persecution of mere political offenders. There may be some who would maintain the wisdom and necessity of the special legislation under which they have been convicted, but I have never heard one whose opinion is worthy of notice offer any defence of the vindictiveness, exhibited in the degrading conditions of prison life, which have been imposed. What other reason can be assigned for this departure from the ordinary treatment of such offenders by civilized nations? If they had been prisoners of war, arrested in red-handed rebellion, or desperate villains, caught in the very act of assassination and robbery, what worse conditions of incarceration would they be called on to bear? One could only pity the ignorance that prompted such methods, if it were supposed that thereby the spirit of revolution would be broken; but the man who has adopted them is too well informed, not to know that heroic men bending beneath the weight of oppression (real or imaginary) have never been broken by any degradation the oppressor may employ. He could not but know, that the indignities which were added to imprisonment, were utterly useless as an expedient to stamp out the political organisation of the country, and consequently they can be considered simply and only as the expressions of unbounded personal hate.

When such honoured representative men as Mr. O'Brien, Mr. Carew, and Mr. Redmond are hunted down and consigned to the felon's cell, where they are subjected to the most mortifying and humiliating experiences, for acts which millions of honest men deem virtuous instead of criminal, we are reminded of the cruel tortures which savage Indian chiefs inflicted upon their unfortunate prisoners of war. Not for governmental ends certainly, but to gratify their savage natures, they tormented their helpless victims; and we can conceive of no other feeling (difficult as it is to conceive it) which will account for the insulting, disgusting, and degrading penalties, inflicted upon these patriotic men. While such treatment is to be deplored for the sake of the sufferers, *it is doing every day more to multiply the friends of Home Rule than any other one thing since the agitation began.* A widely extended acquaintance with the opinions and feelings of a great variety of people in this country convinces me of the certainty of this.

They may have no votes on this question; but voting in the British Parliament, before now, has been largely affected by the moral sentiment of British subjects abroad; and as it is supplementary to the strong national sentiment ever increasing at home, its importance cannot be despised in settling the question of liberty for a downtrodden people.

Unbending purpose and unfaltering courage will triumph in the end. The prison will have no terrors for those whose life of oppression is more abhorrent than imprisonment. The more martyrs there are in prison the more heroes there will be in the field, and their friends will multiply with their deeds of heroism, and their unhappy land shall soon be prosperous and free.—Yours truly,

W. S. GRIFFIN,
Methodist Minister, Stratford,
Ontario, Canada.

(53.)

Rev. E. A. MURRAY, P.P., Coburg, Ontario, brother of the late
Chevalier Murray, of the Papal Zouaves.

Coburg.

DEAR SIR—It is sad to contemplate the action of the Government in Ireland towards political prisoners. Those especially, who form part of the great English-speaking world, see this sad state of things going on in our day with feelings of regret. The largest limit of freedom of opinion in all matters, of even those of a political nature, is extended to every part of the British Empire, without mentioning the great English-speaking community of the United States. Take even the United States at the time of the Civil War, even in those troubled times, when the great army was moving forward for the preservation of the Union. At that time, even, the great General Grant considered it beneath a great nation to take cognizance of any works, written or spoken in favour of the Confederate States, and when his attention was called to the meetings and speeches of some, who were considered as endangering the Unionist cause, with that contemptuous smile the great soldier could give, he said that "he would take no cognizance of speech or writing from anyone, but he would

summarily deal with anyone guilty of any action against the United States Government." Contrast this with the action of the Government of Ireland, a small country of five million inhabitants, the poorest and most suffering in the world, and the men, who, by their voice and pen, are endeavouring, without violence, to gain some measure of legislative favour for their country, placed in the same dungeons that civilization must create, to preserve itself from what is worst and weakest in humanity. To us, living in Canada, such government is among the things incomprehensible. Here, from time to time, the British Government has constantly gone on giving us whatever measure of self-government we desired, and when such demands were made, there were then, as now, men who even thought differently, and so expressed themselves, and who even thought for a moment of punishing the free expressions of opinion with imprisonment in a common jail. And the fruit of such a mode of governing a country is easily seen in the prosperity of Canada, and the happiness of her people.—Yours truly,

E. A. MURRAY, P.P.

(54.)

Rev John F. COFFEY, Editor of "United Canada," Ottawa.

Office of *United Canada*, 55 Rideau-street, Ottawa.

MY DEAR SIR—Yours anent Irish prison treatment did not reach me till this forenoon.

I have so often expressed myself on this subject in the Press, that I can only say again that I look upon the Balfourian treatment of the Irish political prisoners, as a blot on our civilization and a disgrace to our Christianity.—Very faithfully,

JOHN F. COFFEY, Ottawa.

(55.)

GEORGE STEWART, Jun., LL.D., Editor of Quebec "Morning Chronicle," Fellow of the Royal Canadian Society, &c., &c.

The *Morning Chronicle* Office, Quebec.

DEAR SIR,—To my mind it seems monstrous, in this age of progress and advanced statecraft, that political prisoners should be treated as common felons. That course, if persisted in, will have the effect of bringing about a stupendous reform. Patriotism and crime are not synonymous.—I am, yours very truly,

GEORGE STEWART, JUN.

(56.)

J.W. FITZGERALD, an extensive Business Man in Peterborough, Canada

Peterborough, Ontario, Canada.

DEAR MR.—I beg to acknowledge the receipt of your letter embracing extracts from a letter received by you from Mr. E. Dwyer Gray,

of the Dublin *Freeman's Journal*, with the view of eliciting expression of opinion upon the treatment of political prisoners at the present time in Ireland.

Although a true British subject, educated in, and speaking the English language for more than half a century, in Ireland and in Canada, I cannot find words to express adequately my utter horror of the infamously brutal, cowardly, and cruel persecution now practised upon Ireland's cherished, most valued, and noblest sons.

It is bad enough—it is barbarous and inhuman enough—for strongly armed and organized bodies of Irish policemen and British soldiers—the latter in degradation of their noble calling—to root out, under Balfour's orders, often penniless and foodless, from the hearths and homes created largely by themselves and their ancestors, weak men, women, and children; but it is infinitely more galling and fiendish to seek to drag down to degradation and contamination, men of sensitive fibre and keen susceptibilities, whose only crime is to say in Ireland what Englishmen could with perfect freedom say in England, by coercing them to consort with vile criminals of every kind.

Such cold-blooded levelling is a disgrace to England, and to England's humanity.

It is precisely of a piece with the attempt of the infamous Tory Government and the London *Times* newspaper, to brand Mr. Parnell, and through him the Irish nation, with foulest crime—but as it ended with this conspiracy, so will it end with Balfour—in discomfiture and disgrace.

The dawn of Ireland's liberty is already above the horizon—the masses, aye, and many of the classes, of the English liberty-loving people, led by their own greatest statesman, W. E. Gladstone, are becoming alive to the wrongs of Ireland—the blackest blot upon great England's name and fame—and what they take in hand is certain of speedy accomplishment. Praying God this may be so, I am, dear sir, yours very truly,

J. W. FITZGERALD.

(57.)

EUGENE O'KEEFE, Brewer and Banker of the City of Toronto.

Toronto.

DEAR SIR—I am in receipt of your favour of the 26th ult., and hasten to give you my views on the treatment to which the Irish political prisoners have been subjected. I can find no words adequate to express my contempt for the Castle authorities, headed by the notorious Balfour. How such treatment can be submitted to by the Irish race is something beyond my comprehension, and is proof positive of the power exercised over the people by constitutional leaders. The conduct of the authorities, acting under the present Government, is simply infamous, and would not be tolerated in any other country on earth.

How the Tory Government of England can have become so infatuated in its blind attempt to keep Ireland in thralldom is also a matter of wonder to me.

I would wish to say much more upon the subject, but from what I

have said you can readily imagine how strongly I feel the barbarous treatment meted out to that noble patriot, William O'Brien, and the others who have suffered unheard-of treatment at the hands of Balfour & Co.

In reference to Parnell, I believe Providence has raised up an Emancipator at this particular time, to relieve the Irish people from their more than Egyptian bondage.—I am, yours truly,

EUGENE O'KEEFE.

(58.)

Mr. LEE, senior partner of the extensive firm of William A. Lee & Son, General Agents, Real Estate, Insurance, and Loan Brokers, Valuators, and Arbitrators, Toronto.

Toronto Real Estate, Insurance, and Financial
Agency, Western Fire and Marine
Insurance Company,

10 Adelaide Street, East, Toronto.

DEAR SIR—Your esteemed communication to hand.

In reply I would beg to state briefly my humble opinion of "The Treatment of Political Prisoners" as practised in Ireland to-day.

The treatment meted out to these people is iniquitous, cruel, and unjust.

It is iniquitous, because it is beyond the bounds of all common decency in this civilized age; cruel, because I may say, that never among civilized countries in modern times, has such treatment been imposed on political prisoners; and unjust, because the rules which are called laws, and which are said to have been broken, are made by a sister nation whose representatives care nothing for Ireland, are indifferent to her wants, and foreign to her interests, except in so far as the revenue derived therefrom is concerned.

Any law which treats a man, who, in a constitutional manner, dares stand up for his country's welfare, the same as one guilty of a felony or any other great crime, although under the title of law, does not deserve that name, though regarded as such by its framers, and should not be regarded as such by any class, creed or community, or even respected by them, and so should be swept from the Statute Book.

Why, sir, the treatment of political prisoners in the Neapolitan dungeons, under the tyrannical rule of King Ferdinand, can hardly be compared to the treatment of like prisoners in Ireland under the *régime* of Mr. Balfour.

If, as each and every one of us know, the treatment accorded to prisoners in the Emerald Isle were attempted on any portion of the people in Canada by any political party differing from them in politics, the people would rise up *en masse* and demand such government's resignation.

What a cry was raised about the treatment of the Southern slave, who, at least, was sure of two things—(1) A good bed to sleep on, and (2) plenty of good food—by many people in Great Britain of the same shade of politics as those now holding the reins of government there!

Thank heaven, we in Canada make and administer our own laws.

Alas! poor Ireland, happy would you be could you make your own laws, and not be doomed to keep, as you have been for the last two hundred years, I may say, those made for you by strangers.

But, Sir, with that Grand Old Man, Mr. Gladstone, at the helm, and ably seconded by Mr. Parnell, and a very large body of the people of England, Ireland, Scotland, and Wales, the day is not far distant when the sun will rise on a Parliament in Ireland in which those self-same political prisoners, now undergoing such harsh and cruel treatment, led on by that whole-souled and generous-hearted patriot, Mr. William O'Brien, will be endowed with the choicest gifts at their country's hands.—I remain, Sir, your obedient servant,

WM. A. LEE.

(59.)

Very Rev. Dean O'CONNOR, an influential Catholic Priest.

Chesterville, Ontario.

MY DEAR SIR—Knowing my sentiments on the Home Rule question as you do, it is not necessary that I should use many words to convince you of my entire sympathy with Mr. Parnell and his faithful followers, all through their recent trial, and my heartfelt thankfulness to God for the very complete vindication before the world at large of their motives and aspirations, all through their course from start to finish; and now I firmly believe that the hour of their and Ireland's victory is nigh, and may God grant it. Amen.

With respectful *souvenirs* to your deservedly honoured chief, I am always—Yours in Jesus Christ,

VERY REV. DEAN O'CONNOR.

(60.)

Rev. W. FLANNERY, Associate Editor of the London, Ontario, Catholic Record.

DEAR SIR—In reply to your esteemed communication, I shall endeavour to state as briefly as I can my opinion on the question proposed, viz., the propriety, or iniquity rather, of classing political prisoners with ordinary criminals.

Many years ago Mr. W. E. Gladstone paid a visit to Naples, and while in that city obtained permission to interview the prisoners, who, for political offences, were held in durance vile by King Ferdinand, or, as he was then styled, King Bomba. Mr. Gladstone's realistic and vivid description of the horrors of Neapolitan dungeons, in which patriots were equally classed and punished with the most abandoned criminals, produced a sensation in all the courts and legislative assemblies of Europe. Strange to tell, every country in Europe, except England, and perhaps Russia, profited by the lessons of humanity and discrimination conveyed in Mr. Gladstone's *exposé*. In all these countries political prisoners, not guilty of participation in felonious acts, have, since that time, been

differently classed and differently treated from ordinary prisoners. In France especially, to my own knowledge, political prisoners have well-furnished rooms, where in their ordinary apparel, they may enjoy their books, writing materials, and, if they desire and can afford it, their wine at dinner and their cigars afterwards.

England may boast of her advanced civilization and her progressive ideas, but while she treats as vile and degraded criminals, the bravest hearts and the men who, though imprudent in speech and act, are true knights of honour *sans reproche et sans peur*, she must be held to account as yet tainted with barbarism, and not far removed from the mediæval ages of the rack and the gibbet.

In Canada, thank God, we have no political prisoners. Enjoying the power to make laws suitable to the country we live in, and in accordance with the genius, the mode of life, and aspirations of our people, we are saved from even the possibility of internecine warfare.

It sounds very much like the echo of feudal times, and of the portcullis and drawbridge, and of London Tower and the stocks, when we hear and read of true, honest, and otherwise irreproachable patriots being stripped of their clothes, clipped of their beard, and forced into the felon's garb by the rough hands of brutal gaolers.

When Ireland enjoys what Canada has been prospering on, for the last fifty years—the luxury of enacting her own laws, or Home Rule—there shall be no longer in that unhappy, because ill-governed, country any use or reason for the felon's garb or the plank bed.—I am, yours sincerely,

W. FLANNERY, P.P.,
St. Thomas, Ont., Canada.

(61.)

*The Very Rev. Canon O'DONNELL, P.P., St. Denis's, Diocese of St.
Hyacinth, Province of Quebec.*

St. Louis.

DEAR SIR,—Your letter came here while I was from home. Lord Salisbury's atrocious conduct towards men whose constitutions he may break, but whose spirit he can never bend, has aroused the anger of lovers of peace and justice all over the world. When the majority of the civilized world is of one opinion, that majority must certainly be in the right.

A judge unfaithful to his office is a great criminal in the sight of God and man: he saps the very foundation of society, crushes or darkens the natural instinct of what is just and honest: he provokes blasphemy against a sacred mission prostituted to injustice and dishonour. When that judge is sent like a scorpion scourge to destroy, root and branch, a nation's life, then the crime is deeper and darker, for the foul destroyer acts under a power, ordained to protect the lives and liberties of its subjects. For if it is true that nations, as such, having only a temporal existence, receive here below their reward or punishment, the time must come when a just retribution will be awarded to the guilty Government, so maliciously intent on stifling not only Ireland's but the world's cry for justice. The

hand of God will be heavy on this double-faced hypocrisy, acting under the cover of mis-named law, to goad into despair the most law-abiding people on the face of the earth. "*A deceitful balance is an abomination before the Lord,*" be it that of an individual or of the responsible ministers of God's power thus degraded. The strong arm of the law should wipe out crime, and not manufacture it by special enactments. Authority is from God, and the civil power is His minister. But when the "scales of justice" respond to the unequal pressure of an iniquitous ministry; when an act is punished as criminal in one part of the kingdom, and condoned as innocent in another; when honest men, learned and peaceful, using the rights guaranteed by the constitution of their country, and prosecuted as felons, burglars, or incendiaries, are put on a level in the prison cell with the worst malefactors, because they try constitutionally to protect from the most cruel expatriation and ruin, their families, their homes, their lives; the voice of the world is raised, and a cry of horror is heard from pole to pole, against such a tyrannical abuse of power. But, with God's help, might will not for ever overrule right.

If the State betrays its mission by enacting unjust laws, contrary to the welfare of the community, in order to uphold a social disorder, causing the domestic and public ruin of the people, these enactments cannot bind the conscience, and it is a duty to trample on them. They must be met with resistance, passive or active, according to their object. They are not binding, and deserve no obedience. If the law partakes more of the nature of a police regulation, and at the same time is opposed to justice and constitutional rights, how can the Executive put on the same footing the public criminal and the man whose conscience is without a stain? In such a case the political prisoner, though condemned to a convict's cell, is as free of guilt—as stainless—as the sun's rays passing through a foul medium. His conduct is not reprov'd, nay, it is supported by the best, the safest, most interested, and most responsible guides of order and virtue in the country. The bishops and priests of Ireland would rather see the homes of their flocks laid desolate, the lands waste, than witness the blot of a single sin on the soul of the poorest of their unhappy children. *Even supposing the Coercion Act had all the conditions of just law embodied in it, enacted for the benefit of the community at large, should not a distinction be made between the treatment of the common felon and, if you please, the misguided patriot?* But patriotism, especially for England's sentimental policy, is a virtue everywhere, except in Ireland.

"Unprized are her sons till they learn to betray."

The patriot, shielded under the rights of a citizen, has in view the welfare of his country; and if by accident he is obliged to be in seeming opposition to the law, it is because a superior one tells him that—" *Vox populi suprema lex.*"

The civilized world has given its verdict against such indiscriminate treatment. A cry of shame has gone forth from one end of the earth to the other, wherever there is an Englishman to be found, stigmatising the atrocious barbarity of the Salisbury Government. They have lost the good-will of every lover of liberty and justice. Through their own in-

sane policy they are, God be praised, hastening their own downfall.

"*Quos vult perdere, Deus prius dementat.* It was said formerly that the blood of the martyrs was the seed of Christians. Let us hope that the Irish political convict's cell will be the road to freedom, peace, and prosperity for unhappy Ireland.

With my most fervent prayers for the same, believe me, sincerely,
your obedient servant,

A. CANON O'DONNELL, P.P.

(62.)

The Hon. EDWARD MURPHY, recently elected Senator to the Dominion Parliament, commonly known as "The Canadian Father of Home Rule," an extensive business man in Montreal.

Montreal.

DEAR SIR—I understand from your letter that you desire an expression of opinion from Irishmen generally upon the treatment of political prisoners in Ireland.

In reply, I beg to say that the treatment meted out by the present Coercion Government in Ireland to the political prisoners in that afflicted country is, in my humble opinion, atrocious, and would be a disgrace even in a semi-civilized country, and is more so in one that boasts of that much vaunted expression, "*British Liberty.*"

England has sympathized with and given shelter to Kossuth, and to refugees from every revolutionary centre in Europe since 1848, and has morally and materially assisted Garibaldi in revolutionizing Italy, and dethroning the Holy Father.

Under the present Coercion Act, the imprisonment of venerated priests, members of Parliament, and other prominent Irishmen, and their exceptionally *hard and degrading treatment as felons* for offences unknown to the common law, is infamous, and calls for condemnation from all lovers of justice and humanity.—I am, dear sir, yours truly,

EDWARD MURPHY.

(63).

Rev. J. F. M'BRIDE, St. Michael's College, Toronto.

St. John's Grove, Toronto.

MY DEAR SIR—I join with heart and soul in the protest against the present administration of government in Ireland.

Self-government is no crime, and they who seek a lawful end by legitimate means are no criminals. The treatment the Irish patriots have met with, argues of prejudice against Irish rights, on the part of the present English Government, so intense as to blind them to the inevitable defeat which must attend such a lawless use of law. "Their feet are swift to shed blood, sorrow and wretchedness are in their path."—
Faithfully yours,
J. F. M'BRIDE.

A FEW OPINIONS FROM FRANCE.

THE TREATMENT OF POLITICAL PRISONERS IN FRANCE.

LETTERS FROM REPRESENTATIVE MEN.

- Count Albert De Mun, the leader of the Catholic Party in France.
Monsieur Léveillé, Professor of the École de Droit, Member of
the present Commission de la Revision de la Code Pénale.
M. Paul De Cassagnac.
M. L. Nemours Godré, Redacteur Paris *Universe*.
M. A. Horteau, Redacteur-en-Chef *Journal des Debats*.
M. Dabbudie de Barran, the famous writer, scientest, etc., etc.

(64)

*The Count ALBERT DE MUN, the Bayard of the Catholic Church
in France, and one of the first orators in the French Chamber of Deputies.*

Chambre des Deputés,

38 Rue Francois Ier.

MONSIEUR—Un voyage de quelques jours m'a empêché de répondre plus tôt à la lettre, que vous avez bien voulu m'écrire. Je prie d'excuser ce retard involontaire. Je ne saurais d'ailleurs sur la question que vous me posez vous indiquer, avec toute la précision que vous desirez, les principes de la législation Française. Les crimes et les delits d'ordre politique ont donné lieu en effet, dans notre pays troublé par de si fréquentes revolutions, aux penalités les plus diverses, suivant le plus ou moins grand degré d'ardeur des passions, qui dominent les esprits. Et se n'est pas au moment, où le Gouvernement de la France vient d'instituer une juridiction d'ordre exceptionnel pour juger des adversaires politiques et leur infliger, le cas échéant, le traitement le plus severe, que je pourrais invoquer l'exemple de mon pays en faveur de la justice et de la moderation. Tout se que je puis dire c'est qu'en temps normal, les delits politiques ne pouvaient guere s'accomplir, que par la voie des journaux, des écrits ou des reunions illegales, la penalité qui les frappe ne depasse pas l'amende ou la prison, et il est assurément sans exemple que des écrivains ou des hommes politiques, condamnés en pareil cas, aient été soumis au régime des criminels ordinaires.

Vous comprendrez certainement que je borne ma response a ces indica-

tions generales, ne connaissant pas assez le detail des faits auxquels votre lettre se rapporte, pour exprimer a leur propos, un jugement formel.

En theorie, je crois que les mesures violentes, quelquefois necessaires quand la société est en peril, sont, pour un gouvernement une malheureuse extremite, et qu'en tout cas, elles demeurent steriles, si elles ne sont accompagnées de reformes salutaires, de nature a calmer l'esprit par de legitimes satisfactions.

Veuillez agreer, monsieur, l'assurance de mes sentimens les plus distingués.

A. DE MUN.

Monsieur E Dwyer Gray.

The following is a translation of the above letter :—

Chambre des Deputés, Paris, 1889.

SIR—A journey, which occupied some days, has prevented me from sooner replying to the letter, you were kind enough to write to me. I beg you will excuse this involuntary delay. I cannot well, however, state with all the definiteness you desire, the principles of French legislation with reference to the question you mention. Crimes and offences of a political nature have, in fact, in our country, disturbed by so many revolutions, given occasion for the most varying penalties, according to the greater or less warmth of passion controlling the public mind. And it is not at this moment, when the Government of France has instituted an exceptional tribunal to judge political adversaries, and to inflict on them, if condemned, the severest treatment, that I could invoke the example of my country, in favour of justice and moderation.

All that I can say is that, in a normal condition, political offences—which cannot well otherwise be committed than by means of newspapers, writings, or illegal assemblies—are not stricken by any punishment exceeding fine or detention. Most certainly it is unexampled, that writers or political persons, condemned for such a cause, should be subjected to the prison treatment of common criminals.

You will undoubtedly understand that I limit my reply to these general statements, as I am not sufficiently acquainted with the details of the acts to which your letter relates to express a formal judgment on them.

Theoretically, I believe that violent measures, sometimes necessary when society is in danger, are an unhappy and extreme resource for a Government, and that in all cases they are doomed to sterility, if they be not accompanied by salutary reforms, of such a nature, as to conciliate public opinion by legitimate and satisfactory concessions.

Pray accept, sir, the assurance of my most distinguished sentiments.

A. DE MUN.

Mr. E. Dwyer Gray.

Monsieur Le Professeur LEVEILLE, Professor of the Faculty of Law, Ecole de Droit, the great State School of France; Member of Commission, appointed at close of 2nd Siege, corresponding to our Royal Commissions, to inquire into condition of Communard convicts transported to New Caledonia; now member of the Commission de la Revision de la Code Pénale.

(From a representative of *The Freeman's Journal*).

Paris, Monday.

Yesterday I had an interview, on the subject of the treatment of political prisoners in France, with a gentleman whose name will be at once recognized as that of an eminent authority on the subject. This is Monsieur Léveillé, Professor of the Ecole de Droit, or Faculty of Law, of Paris, whose distinguished reputation has caused him to be selected as a member of the important National Commission for the Revision of the Penal Code of France. No more authoritative opinion than his on the subject of the treatment here of political prisoners could be desired.

We met at the Ecole de Droit by appointment. After alluding to the way Irish political prisoners are treated by England, I asked what was the law with reference to political prisoners in France.

M. Léveillé—"In cases of transportation and long imprisonments, which vary from five to twenty years [and corresponds with the penal servitude of Great Britain], the French law makes a distinction between political and ordinary offenders. Political prisoners are not obliged to work or to wear the prison dress, and they are entirely separated from the ordinary criminals. In cases of short imprisonment, varying from six days to five years, the text of the law is not explicit, but the tradition and custom of the administration has always been, to treat political prisoners with much leniency. They wear their own dress, receive visits from their friends, and need never mix with the other prisoners. The only exception to this rule was the treatment of the Communards by Monsieur Goullard (of the Thier's Cabinet, in 1871) but public opinion in France is always on the side of a great distinction in favour of political prisoners. Under Louis Philippe, political prisoners, such as Cavaignac, Raspail, Trellat, &c., were allowed to leave the prison during the day, and go about the town on parole; so that it often happened when their friends went to see them that the reply of the prison concierge, or door-keeper, was '*Ces messieurs sont sortis.*' (These gentlemen are not at home.)

"What is the custom of the administration at the present time as to the treatment of political prisoners?"

M. Léveillé—"They are treated with much consideration. Monsieur Constans, a short time ago in the Legislature, replying to a question from a member in reference to this subject, said that the liberality of the prison administration in this matter had gone so far, that the number of visitors on the list of one of the prisons amounted to over 80, which rendered the task of prison concierge (or door-keeper) no light one. One of these lists included the name of a *danseuse* of the opera, and also, it must be added for propriety's sake, that of her aunt."

"I have heard that the Opportunists wish to make the prison laws more severe?"

M. Léveillé—"It having been decided by the *Commission Supérieure des Prisons* that the rules for the treatment of political prisoners should be considered, about a fortnight ago this question came up on the agenda paper. The head of the Penitentiary Administration, M. Herbet (who is a man of rules), delighted at the chance of making a new rule, proposed to take up this work, but the *Commission Supérieure des Prisons* decided against any new regulation, leaving, as formerly, in the hands of the administration the power of continuing their liberal traditions, and also of checking any abuses of the same which might arise."

"What is your personal opinion on the subject?"

M. Léveillé—"I am in favour of one form of imprisonment, *i.e.*, to make the rules for long and short terms of imprisonment the same, only differing in length according to the crime. I would separate entirely, and make a distinction, between what I call crimes which dishonour, and those which do not. In the class of '*Honesta Custodia*,' I would include, besides political prisoners, duellists, and in some cases, those accused of Press offences, even when unconnected with politics, &c. I am on the *Commission de la Revision de la Code Penale*. It is proposed that all prisoners should have to work, but that those undergoing what I call *honorable* imprisonment should continue to do their own work, whatever that might be. For instance, a poet would write verses, and as he could always say the inspiration had not come, it would be merely a form; and in most cases the power of continuing their own work would be appreciated by the prisoners."

(66)

*Monsieur L. NEMOURS GODRE, Ireland's best friend in France,
Redacteur of the Paris "Universe," the leading Catholic organ in France.*

Paris, Juillet, 1889.

SIR,—I rather fear that my opinion would not add much weight to the imposing array of civilized opinions you have put in line against the "Treatment of Political Prisoners" in your Anglo-Irish prisons.

It is not easy, moreover, to write upon such a subject without going into particulars, and that would be decidedly too long. But since you ask my views, I may be pardoned for writing down a few observations.

To begin with, it is easy to prove that the English themselves show us that there is some difference between a political "criminal" and a common one. They have welcomed and honoured Garibaldi, Mazzini, and the *genus omne* of revolutionary Italians who stood condemned by laws and constitutions otherwise sacred and just (to say the least of it), than the British constitution and laws as applied to Ireland. Are they not for the time being toasting and otherwise entertaining General Boulanger, who, were he in France, would be indeed very severely dealt with by our Opportunist legislators?

But we hear of an objection—we are told that General Boulanger has violated no moral law; that he was, in a country of universal suffrage, striving to obtain as many votes as possible, so as to throw from power a

party which pretends to monopolize French "aspirations," and that to fight him to advantage the Opportunists have been compelled to resort to exceptional legislation, and exceptional tribunals. Quite so. But such is precisely the case of Irishmen whom British ministers are tracking through a new Coercion law added to the old stock of Coercion measures, and a body of special magistrates. There is, however, a difference. It is, that the brave general, who has been so earnestly taken to by the popular favour, leads us possibly to a leap in the dark, while the Irish Party, with the nation at their back, are going all for a well-known policy, and claiming rights, liberties, and traditions they have been robbed of.

But now—and it will be the end of my argument—were General Boulanger caught and arraigned before the High Court of the Senate, he would be perhaps condemned and banished, but they should not dare treat him to the indignities which Anglo-Irish jailors daily inflict upon your most honourable deputies.

A Parliamentary Government leads necessarily to the formation of opposing parties in the State, and the political arena would soon become a scene of savage war were the dominating party entitled to condemn their opponents to the felon's cell or the convict's dishonouring labours.

You have pretty well told how these things are managed here. There is now in prison at La Pelagie a perfectly honourable man, my publisher and friend, M. Savine, who was lately condemned to be imprisoned for three months by the Bordeaux Assizes for having printed the now famous book of the Deputy Gilly—"Mes Dossiers;" he was quite ungenerously loaded before the court by M. Gilly with the *onus probandi* for the facts given in the book on the word of the writer. But though aware of public accusations against some members of the Opportunist party, he was quite unable to supply the proofs by himself. He was, of course, condemned according to our law of libel, *but he is not treated as a common criminal. He receives his meals from outside. I have only to write a word to the manager of the prison to be granted an interview with the prisoner.* He is punished, but not in a way which could be considered as a vengeance by his pursuers.

And this is, unfortunately, the very aspect of the law in Ireland. It looks too often as if designed, not to protect public rights and order, but to avenge the rancorous feelings of political adversaries.

To the foreign observer your case against England, as briefly stated as possible, stands thus:—The Irish nation, backed by her clergy, her leaders, her most representative elements, claims rights and liberties which, to use the very words of John Bright himself, she has been "fraudulently" deprived of. The English Parliamentary majority say they cannot assent to that, and to maintain their point make coercive laws and appoint special tribunals, which, under the false pretence of protecting Ireland against crime, are labouring only on behalf of a "*fraudulent*" paper Union.

How could honourable Irishmen, true to their country, to their fellow-citizens, feel themselves bound to obey such laws and such tribunals? They may be misguided, they may go too far, but they are acting under a legitimate and strong sense of the wrongs done to their dear and noble country. They remain what they are, honourable men; and a shock is

given to the civilized opinion of mankind when we hear of such men being treated as common criminals, and subjected to a thousand indignities.

For, I dare say so, in this entirely too long struggle gone through by noble Ireland, the sympathies of the civilized world go all, or almost all, with Ireland. It is easy for the correspondents of the London Press abroad to misrepresent foreign sympathy for Ireland as the issue of unmixed hatred against England. I hear too much of this tune. For my own part, I feel tolerably sure that I bear no ill-will on this earth to any nation as such. It would be anti-Catholic, and quite absurd, too.

But even a foreign observer might be excused for giving expression to feelings which were never more eloquently expressed than by Cardinal Manning and Mr. Gladstone. Of these eminent and representative Englishmen, to be sure, the first was saying lately to some Irish members—"It is happy for me that I was not born an Irishman. I would have been hanged many years ago;" and the second has solemnly acknowledged that the bulk of the civilized opinion abroad was, and has always been, on the side of Ireland against England.

It would be impossible, I believe, to find better witnesses to prove that the indignities inflicted upon your "political prisoners" are an intolerable chapter added to the long record of English misrule in Ireland.—I remain, sir, yours truly,

L. NEMOURS GODÉE.

(67.)

Monsieur PAUL DE CASSAGNAC, Member of the French Chamber of Deputies, one of the most eminent of the latter day politicians of France, and the most brilliant writer on "L'Autorité," the leading Bonapartist and Conservative organ of France.

Chambre des Députés.

MONSIEUR—Je trouve que le traitement appliqué aux condamnés politiques en Irlande est absolument ignoble.

Chez nous, dans a moment, on veut aussi soumettre les condamnées politiques à des vexations, sans précédent.

Où qu'elles se produisent ces façons d'agir méritent d'être flétries. Veuillez agréer, monsieur, l'expression de ma considération la plus distinguée.

CASSAGNAC.

Monsieur E. Dwyer Gray.

The following is a translation of the above :—

Chamber of Deputies, Paris.

SIR—I consider the treatment to which political prisoners are subjected in Ireland positively infamous.

Here at this moment, an attempt is being made to subject political prisoners to vexations which are without precedent.

Whenever such a course is adopted it deserves to be stigmatized.—
Accept, sir, the expression of my most distinguished consideration.

CASSAGNAC.

Mr. E. Dwyer Gray.

(68)

Monsieur A. HORTEAU, editor of the "Journal des Debats."
The following is a translation of a letter received from Monsieur Horteau, Redacteur en Chef of the "Journal des Debats":—

*Journal des Debats, 17 Rue des Pretres,
St. Germain-l'Auxerrois.*

SIR—I have the honour to reply to the letter, with which you honoured me, requesting information as to the treatment to which political prisoners are subjected in French prisons. The French Penal Code orders for political crimes penalties, which differ from those under the ordinary law. These political penalties are transference to a fortified place, simple transportation, detention, and civil degradation (*i.e.*, loss of civil rights). But in the minor matter of simple correctional regulations, the penalty of imprisonment is common to political and ordinary offences. The written law establishes no difference between the manner of the imprisonment, whether ordered for one or other of these kinds of offences.

As a matter of fact, however, persons condemned to imprisonment for press offences, and for political offences, are placed under a milder treatment than that to which other prisoners are subjected. They are, generally speaking, treated simply as untried prisoners are. But this difference of treatment between political and ordinary prisoners is determined only by custom, by rules of the administration, by ministerial orders, and not by the written law.

Recently protests were made by persons condemned for press offences, who complained that certain favours were withdrawn, which had usually been granted to those of this category detained in prison. These protests were brought before the Chamber of Deputies, which took no action.*

The *Conseil Supérieur des Prisons*, in its turn, took the matter into consideration. It has decided to change nothing in the actual condition of things.

You will find herewith two extracts from journals containing summarised reports of the deliberations of the *Conseil Supérieur des Prisons* on the subject.—Pray accept, sir, expression of my most distinguished consideration,

A. HORTEAU.

* Reference was made to this subject in the interview with Professor Leveille. It was shown that one gentleman had eighty visitors on his list, including an opera dancer and her aunt. Of course some rearrangement was required, even for the sake of the over-worked janitor. At Richmond, O'Connell and his friends issued a card declining to receive visitors except at certain days and hours.

The following is a translation of the summarized reports of the deliberations of the *Conseil Supérieur* which bear upon the question at issue :

The *Conseil* was requested to consider the questions previously submitted to it, which concern the prison treatment applicable to persons condemned for Press offences, for political acts, or for acts connected with politics. The general regulation, promulgated by the *Conseil* at the end of 1885, has, in fact, laid down the principle rules which guided the (prison) administration in fixing, according to ministerial direction, the special treatment applicable in all the departments, except that of the Seine (Paris). Generally speaking, the treatment is the same as that accorded to those detained in prison, who are reputed innocent until the day they are found guilty. In Paris the only existing rule is that of 1867, instituted for political prisoners condemned to less than a year and a day of imprisonment, and confined in St. Pelagie. By the terms of this rule, which is in conformity with all the existing general regulations, visits should be received in a special parlour, and all correspondence, books, pamphlets, journals, or writings are subject to a preliminary *visa* (or endorsement), either on entry or exit, with power of detention.

As a matter of fact, however, by extension of exceptional permissions, granted, for instance, on account of health, visits have been received in private rooms and cells, which eliminated any real power of *visa* over correspondence with the exterior.

The *Conseil Supérieur* was requested to examine in what way, under what conditions, and to what persons, a new regulation—the same for the whole of France—should or should not allow the grant of this exceptional favour—namely, of visits and communications in the private room of prisoners and beyond the control of supervision.

In the meantime, pending this, a state of toleration had been maintained without distinction, when recent incidents (and particularly the publication of insulting drawings, which might of itself constitute an offence on the part of a prisoner in St. Pelagie) caused the Chancellor to ask for measures to revive the rules and legal directions. The administration then no longer felt itself authorized to temporarily sanction the state of simple toleration, before the advice of the *Conseil Supérieur*, and the decision of the government, should give permission for these divergences from all the regulations previously formulated.

But consultation and investigation will now permit the taking of such temporary measures as may be proper, until the question shall be definitely decided by government.

After a general discussion, on the necessity of determining, first of all, the categories of those who should be allowed to profit by right of special treatment, the subject was referred to the Commission of Rules to prepare a draft which might be submitted to the Government, in order to constitute a special regulation, applicable throughout France, to prisoners condemned for press offences, for political acts, or for matters connected with politics.

COMMISSION OF RULES—DECISION.

The Commission of Rules of the *Conseil Superior des Prisons* assembled yesterday morning to examine into the question of the treatment of political prisoners in St. Pelagie prison.

Present—M. Schoeicher, President; Messrs. de Verninac, Senator; Clemenceau and Alfred Laroze, Deputies; Laferriere, Vice-President of the Council of State; F. Dreyfus, ex-Deputy; Jacquin, Councillor of State; Voisin, Member of the High Court of Cassation; Dumas, Director of Criminal Affairs; Herbet, Director of Penitentiary Establishments.

After a long discussion, the Commission came to the conclusion that there was no necessity for issuing a new Rule; that the regulation of 1867 was perfectly compatible with the most ample liberality of treatment, and that it would suffice to publish an opinion advising the application of this Rule of 1867 in such a manner as to ensure the practice of liberality (*tolerance*), and at the same time to maintain good order in the prison. M. Laferriere has been charged with drafting this authoritative opinion.

(69)

M. D'ABBUDI DE BARRAU, a man whose name is known all over the civilized world: Membre de l'Institut, Paris; Membre des Bureau des Longitudes, the world-famed body of "savants; also Honorary Member of the Italian Academy dei Lucie, and of the Royal Academy of Madrid, and "Membre Correspondent" of many learned bodies abroad.

(I am indebted for the following important interview, to a famous French author, who kindly called upon M. D'ABBUDI DE BARRAU for the purpose of obtaining an expression of opinion from him).

The renowned *savant* is living in the midst of the Faubourg St. Germaine, in the old *Rue du Bac*, which was so dear to Madame de Stael; but he spends some part of the year in the Pyrenees, where he has a very fine estate.

I found M. D'Abbudie de Barrau very busily engaged in finishing his correspondence of the day, in the midst of an imposing array of learned reviews. I was readily welcomed all the same, especially when I told him that I was a somewhat extraordinary ambassador from Ireland, and that I was desirous of having some statement of his views, about the treatment inflicted by British statesmen upon their political adversaries in Ireland.

"Well," said the eminent academician, "I am pretty well *au courant* about events in Ireland. I know a bit of British rule there. My earliest recollections——"

"What!" I interrupted, "you have early recollections of Ireland? And how is that?"

"Certainly, my dear sir. I was born there, and I remember a peculiarity of the time, which was proclaiming aloud one of the greatest sins of English rule. You know that they had practically killed National

industries in Ireland. Trades were striving to revive after the ruinous shock of the Union, and good citizens were doing their best to encourage this revival. So it was *à la mode*, when going to a funeral, to wear scarfs of fine linen, manufactured at home, by one of the too rare National industries left in the country."

"Indeed," I said. "I was quite ignorant of the peculiarity. Now, of course, things are a good deal improving, but not so well as they should, were Ireland after a last victory able to cease that mere struggle for life, and use in her own way her genius and working powers. But the British statesmen now at the helm do not like the prospect, and so they treat their political adversaries in the 'sister island,' to the iron hand of removable police magistrates, and the shame of a convict's cell."

"Yes, I know," said the distinguished traveller, *c'est une indignité, c'est une indignité*. It is an infamy—it is an infamy."

"Of course, it is," I said; "but England in politics does not often sin on the side of generosity."

"Never," said M. D'Abbudi. "Englishmen have great qualities. I give them credit for that; but in politics——" (and he remained silent and thoughtful, as if recollecting some well-known instances of England's selfishness).

"Well," I then resumed, "their politics are, to say the least, bad politics in Ireland. The coercionist mania is not only a disgrace to civilization, but a dangerous practice, which can and must leave living resentment behind it. But let us drop this side of the matter. Let us consider it as a question of general politics, or a question of general humanity. Is it becoming a civilized nation like England to treat her political prisoners as a lot of robbers and infamous persons? A few words from a disinterested *savant* like you would, no doubt, have an excellent effect. Would you authorize me to transmit them to Ireland?"

"Most certainly," he said. "You can say, that I do not know of any nation in civilized Europe treating her political prisoners with the harshness and ignominy to which honourable Irishmen are subjected in Irish prisons. In France such things, except in days of Revolution, would be impossible. I am ready to sign a public *protest* if you like it."

"It is done so, sir, or almost so. I will transmit to Ireland your generous words of sympathy for the political prisoners, and of protest against the indignities inflicted upon them."

And, with warm thanks, I left the famous writer to his books and his works.

ENGLISH OPINION.

ENGLISH Opinion upon the subject of the treatment of political prisoners was so thoroughly ventilated by the "National Protest" that little more remains to be said. The following Letters, however, will be read with interest :—

His Grace the most Rev. Dr. Bagshawe.
The Earl of Cavan.
Jacob Bright, M.P.
Professor Bryce, M.P.
Samuel Storey. M.P.

(70)

His Grace the Most Rev. Dr. BRADSHAWE, Bishop of Nottingham.

St. Barnabas's Cathedral, Nottingham.

Sir—You asked my opinion on the subject of the treatment of political prisoners. I think it is in principle unjust and cruel to treat political prisoners like common criminals, and that it also leads to the subversion of liberty. It is true that political offences may sometimes be very great crimes, deserving of heavy punishment; but it is also true that they may often be no crimes at all, but rather acts of heroic fidelity and patriotism.

It is still more often the case that such acts, even if unjustifiable in themselves, are yet justifiable in the consciences of those who do them on some mistaken principles. It would be cruel and unjust, then, to expose what are so often results, in truth, of self-devotion and patriotism, to the degrading punishments due to acts of despicable, selfish crime. we add the consideration that those who have to judge of, and to punish political offences, are always of the opposite political party, it is unfair and improper that they should in any event be allowed to inflict heavy and degrading punishments, when they are thus judging in their own cause. Their sentences will certainly be regarded rather as acts of panic, fear, or of cruel revenge, than as the dictates of justice. Thus the horrible butcheries perpetrated by both parties in the Wars of the Roses, when they respectively got the upper hand, were acts of savage injustice, disgraceful for ever to the name of England.

Their results also in bringing about the Tudor despotism, show how dangerous it is to public liberty when political offences are punished like common crimes. All who attempt to resist oppression are at once called criminals, and immediately destroyed or imprisoned, and the people are silenced by a reign of terror.

I condemn, therefore, the treatment of their political prisoners by the Government in Ireland on general principles. *Judging of it in the actual facts and circumstances, I think it atrociously wicked.* It is obviously intended to crush by savage, despotic sentences, executed with barbarous cruelty, the brave and noble defenders of the just rights and liberties, and of the hearths and homes of their fellow-countrymen. I have no doubt about the gross injustice and barbarity of the existing laws, which enable landlords to extort unjust rackrents, and to confiscate the property of their tenants in so many cases. I have therefore no hesitation in branding the execution of those laws as a monstrous crime. In order to enforce these *piratical laws* the government has burdened Ireland with an army of occupation and enormous taxes. They have robbed her (in their wish and intention, for ever) of every single safeguard of liberty enjoyed in England; they have terrorised her children by severe legal punishments for almost any word or act in defence of freedom; and they have trampled on, insulted, and outraged her, by letting loose brutal hordes of constables with bayonets and batons, to shoot and bludgeon her people, which they do without fear of punishment—nay, with all the better hope of promotion. *They try, but try in vain, to hide their misdeeds by every species of meanness, trickery, and falsehood.*

If I did not see, as it were, on the wall the hand-writing of their speedy doom, I should tremble for the liberties of England. There is here the same despotic use of the magistracy and of the police to oppress the poor; and, if only the Tory party dared, the feudal despotism which here, as well as in Ireland, weighs heavily upon our tenants and workers, would be greatly aggravated and immovably established.—I am, sir, your obedient servant,

✠ EDWARD, Bishop of Nottingham.

E. DWYER GRAY, ESQ.

(71)

THE EARL OF CAVAN, M.P.

House of Commons, London.

MY DEAR SIR—I understand from your letter that you desire an expression of opinion from myself on the subject of the treatment of political prisoners in Ireland. There is, I think, some difficulty existing in the minds of many persons as to what constitutes a political prisoner in Ireland. A simple answer, I think, may be given to this question. A political prisoner is one who is detained in prison under an Act of Parliament which is distinctly disapproved of and constantly protested against by the whole of that political party which for the time being is out of office. Such a person would, I presume (no further offence being charged against him), be immediately discharged were an appeal made to the country which resulted in the return to power of the Liberal party. How should such a person be treated? Surely, by every law of justice and common sense, he should only be subjected to as much punishment as the com-

munity at large would award him could it speak its mind. This law, in a general way, is practically recognized in the treatment of all criminals. The murderer who is condemned to death has his life spared whenever it is realized by the Home Secretary that the public generally are to a considerable extent, satisfied that the murderer had in his favour certain justifications or excuses, which the jury at the time of his trial could not or did not take cognizance of; and public opinion in England, in every case when it can be definitely obtained, is allowed to affect the sentences passed on other criminals, who have committed minor offences. What consideration, then, should be shown to prisoners whose acts and words are held to be *unworthy of any punishment whatever*, by the whole community, if performed or spoken in any part of England, Scotland, Wales, or the Colonies, and at least by half the population of these countries if performed or spoken in Ireland?—Yours obediently,

CAVAN.

(72)

MR. JACOB BRIGHT, M.P.

Broome Hall, Holmwood, Surrey.

DEAR SIR—No one can feel more strongly than I do with respect to the prison treatment practised on the Irish people and their representatives by the present Tory Government. I hold that the degradation and torture of men accused only of political offences, being no longer found in civilized countries, cannot be defended in England without arousing feelings of shame. The free expression of opinion on all public questions is the great safeguard of the people—the means by which in the past we have secured, and shall in the future confirm, the gradual and safe enlargement of our liberties. But in almost every case where Irish representatives have been imprisoned under the present Coercion Act, the ground of imprisonment, sometimes with hard labour, and always with shameful indignities, has been—1st, for making public speeches; 2nd, for listening to them; 3rd, for reporting them. A speech which I can make to my own constituents would subject an Irish M.P. to imprisonment with criminal treatment. This is an example of the legal equality of the people of the three kingdoms promised at the last elections by those who now hold power. There could be no clearer evidence, that the Tory party is engaged in a senseless and foolish course of conduct, than is to be found in the fact that Irishmen, treated as criminals in Irish jails, are immediately before and immediately after their incarceration received as honoured guests in the most honourable Scotch and English homes.

Mr. Balfour appears to believe in the old policy of governing Ireland. He is the last Chief Secretary who will be permitted to direct the old policy.—Sincerely yours,

JACOB BRIGHT.

The following important letter from Professor J. BRYCE, addressed to Dr. SIGERSON, is published here by special permission.

London, July 29th, 1889.

MY DEAR SIR—I have read the details you give regarding the recent treatment of political prisoners in Ireland, as compared with that followed in other countries, not only with interest, but with regret and shame, for I had not known how much the recent practice of the Government in Ireland falls below that of other countries, and even below that of English authorities sixty years ago.

It is not easy to find a satisfactory definition of a political offence; yet we all feel the difference between an ordinary criminal and those whose treatment you describe. Perhaps we may say that whenever the moral judgment of the community at large does not regard an offence as sordid and degrading, and does not feel the offence to be one, which destroys its respect for the personal character of the prisoner, it may then be held that prison treatment ought to be different from that awarded to ordinary criminals. One reason for this view is, that ordinary prison discipline is incomparably more severe and painful to the persons sentenced for offences of this nature than it is to the ordinary thief or forger. A sentence nominally the same is really much harsher.

There is, however, another ground, and a stronger one, for condemning the methods followed of late years in Ireland. They are not only cruel—they are foolish and impolitic. They attempt to fly in the face of the general sentiment of mankind, which recognizes the wide difference between crimes which are always crimes, and acts which, even if it is necessary to punish them, may be the result of mistaken views of right, and may hereafter be regarded very differently from the view in which we judge them now. The time never comes when the people venerate the memory of a thief or a forger as we venerate the memories of Sir Thomas Moore or Algernon Sydney—political offenders on whom the last penalty of the law was inflicted with a more general concurrence of opinion, than exists now as regards the Irish rebels of 1798, or the imprisoned Irish leaders of to-day.

Experience has amply shown that to treat the political prisoner like the common criminal, does not deprive him of the sympathies of those who agree with him politically, but may rather endear him further to them, and, at any rate, embitter their feelings, and stimulate them to unlawful reprisals.

There is, I think, something mean in this attempt to humiliate men by treating them as already brutal, something unworthy of a great nation, something that lends colour to the belief which, till lately, was so general in Ireland, that hereditary arrogance and hatred have had much to do with the administration of English rule in Ireland, and are still more powerful factors than that vaunted regard for the interests of the whole United Kingdom, which is so often on the lips of her present rulers.

It is some little comfort to learn that this relapse into barbarism, of

which the Irish Government has been guilty—this vain attempt to degrade a cause by trying to degrade its leaders—did not proceed from the British Parliament, but from purblind Irish officials of the ruling caste. It is still more consolatory to feel assured that such conduct has contributed to disgust the English and Scotch people with the way in which Ireland has been governed.

You have rendered a great service by dealing so thoroughly with this subject, and have, I hope, given a final and fatal blow to a system for which England may well blush.—Very faithfully yours,

J. BRYCE.

(74).

SAMUEL STOREY, Esq., M.P., Sunderland.

DEAR SIR—As one of those who aided in opposing and finally defeating Mr. Forster's policy of imprisonment of political opponents in Ireland, I have naturally watched with deep interest the development of that policy in other hands. Often in those days I heard Conservatives, and some Liberals, declare that the Irish would never be put down until their leaders suffered, not merely imprisonment, but degradation. This policy thus shadowed forth has been given effect to by the present government. I regard it with distaste and shame. It is surely too late in the day for free England to subject men, for speeches, to association with reviled criminals, and that personal degradation which ought to be reserved for crime. The spirit which dictates such punishment is the same in essence, which has governed the worst conduct of tyrannical governments on the Continent, and which we English have ever condemned. I trust the day is not far distant when political prisoners in Ireland will be treated as first-class misdemeanants, as they are in England. Still more strongly do I hope that, with the advent of a policy of wise conciliation, political prisoners may become as rare there as they happily are here.—I am, very sincerely yours,

SAMUEL STOREY.

THE OPINION OF AN IRISH-AUSTRALIAN STATESMAN.

*SIR CHARLES GAVAN DUFFY, ex-inmate of Richmond Bridewell,
ex-Prime Minister of Her Majesty's Colony of Victoria, ex-Speaker of the
Victorian House of Commons, etc., etc.*

(This letter is published by special permission.)

MY DEAR DR. SIGERSON—I cannot give you any information about the treatment of State prisoners in Victoria, because during the quarter of a century I was connected with that colony there were no State prisoners. At the opening of the period Home Rule, in the most perfect form, was established in Victoria. The people elect their own Parliament, the Government is chosen from the Parliament, and only exists so long as it retains its confidence. The Government so chosen appoints to every office, from that of Chief Justice down to the porter on a railway; they collect and expend the Revenue, of which a shilling does not go to the Imperial Treasury, except by free gift; and the Cabinet in Downing Street cannot appoint or remove a policeman in the Colony. There are naturally no offences against the State in such a country, and if the same system be applied to Ireland, you will have no more trouble about the classification of political prisoners. Before the Australians got a free Constitution there were frequent riots, and even armed insurrection, and of course a liberal crop of prisoners; but the question how political convicts ought to be treated never arose, as Melbourne juries would not convict men, resisting what was considered illegal exactions and arbitrary arrests under old "Mother Country" regime.

As respects the general question, there are some obvious rules which can only be overlooked by wilful blindness. Political prisoners are commonly of a class to whom, from their training and antecedents, a plank-bed means torture, coarse food, the pangs of indigestion, and menial service, degradation; and when these inflictions, which habit makes indifferent to the rough and the burglar, are imposed upon political prisoners, a manifest injustice is done. Civilized mankind have agreed to treat prisoners, whose offence is not against the moral but the municipal law, as a separate and special class. I know no exception to this humane practice except Russia—if Russia, which is half-barbarous, can be regarded as a case in point when we are speaking of civilized nations. We are going backwards, it seems. Lord Eldon, when he was at the head of the law of England, treated Cobbett and Leigh Hunt better than Irish journalists are treated to-day. I do not cite the case of O'Connell and the State prisoners of 1844, because the Dublin Corporation, which had control of the Richmond Penitentiary, permitted us liberties which no one claims for political prisoners at present. It is not asked that they should have virtual levées, or give daily entertainment to their friends, but that they shall not have a sentence of detention turned into physical and moral torture.—Believe me, very faithfully yours,

C. GAVAN DUFFY.

Shelbourne Hotel, July 20th.

FEELING IN IRELAND.

A GREAT MUNICIPAL PROTEST.

THE CLASSIFICATION OF PRISONERS.

SINCE the Report of the Aberdare Commission it has become more and more apparent that the Irish people will not accept any concession in connection with the treatment of political prisoners not based upon the principle of classification. The action taken by the Corporations of Ireland removes any doubt previously existing in this regard.

(76)

The Dublin Corporation.

On 28th June, 1889, the Report of the Aberdare Committee was published in the *Freeman's Journal*. Upon the same day a special meeting of the Corporation of Dublin was held in obedience to a requisition to the Lord Mayor (Mr. Sexton), that the Council should consider the question of the treatment of political prisoners in Ireland. Referring to the "International Protest," which was then appearing in the columns of the *Freeman's Journal*, Mr. Dawson said: "There was scarcely a rank of any importance in political, religious, or social life in which he (Mr. Gray) did not find some distinguished men to pronounce condemnation upon the policy of Mr. Balfour in this matter. Finally, after an able statement by Mr. Dawson, and speeches from the High Sheriff (Alderman Meade, J.P.), Mr. Miley, Mr. Mayne, M.P., and T. D. Sullivan, M.P., the following resolutions, proposed by Mr. Dawson and seconded by the High Sheriff, were passed unanimously:—

- "1. That this Council strongly protests against the treatment of political offenders as common criminals, as a policy at variance with all principles of justice, and contrary to the practice of foreign countries, to international law, and to precedent at home."
- "2. That in the opinion of this Council prisoners confined under the Irish Crimes Act should be treated as first-class misdemeanants."
- "3. That the rights of such persons should be clearly determined, and not left to the discretion of the officers of any prison, and that the vesting in such officers of discretionary powers (as in the

recent modifications in prison discipline) is likely to lead to confusion and dissatisfaction."

"4. That the Report of Lord Aberdare's Committee supplies, on the one hand, a condemnation of the proposals of the Chief Secretary, and furnishes on the other proof that his instructions have rendered the inquiry nugatory, as the Committee can only recommend modifications based upon sanitary considerations—a system which the Committee itself expressly condemns as defective."

"5. That any investigation into the treatment of prisoners, which ignores the fundamental distinction between men convicted of political offences and ordinary criminals, is defective in its essence, and must be futile in its results. That by limiting the scope of the present inquiry to two questions of discipline the Government prevented a full and proper consideration of the matters at issue, a course which was bound to lead to an incomplete and unsatisfactory conclusion."

(77)

The Cork Corporation.

A few days later, at a special meeting held for the purpose, the Corporation of Cork, on the motion of Alderman Hooper, adopted, *in globo*, the series of resolutions passed by the Dublin Corporation. The proceedings were *unanimous*.

(78.)

The Waterford Corporation.

The Waterford Corporation followed the same course. *Unanimous.*

(79.)

The Sligo Corporation.

The Sligo Corporation passed a resolution as appended; *one dissentient*:

"Resolved—That we, the members of the Sligo Municipal Council, hereby express our emphatic condemnation of the treatment to which political prisoners have been, and are, subjected in Ireland by the present Administration; we protest against the persistent endeavour of the Chief Secretary for Ireland to crush his political opponents by prison torture, and to degrade by association with criminals the most loved and respected of our countrymen; we call for an immediate and radical change in the treatment of men undergoing imprisonment for Coercion-made crimes; we cannot consider satisfactory any change, which does not provide for the proper classification of prisoners and secure political misdemeanants from contact with criminals."

Councillor Sedley was the only member who opposed the resolution, which was adopted.

(80.)

The Drogheda Corporation.

The Drogheda Corporation (the Mayor presiding), passed the resolutions of the Dublin Corporation *unanimously*.

(81.)

The Limerick Corporation.

The resolutions of the Dublin Corporation were passed *unanimously*.

(82.)

The Clonmel Corporation.

At a meeting of the Town Council, the Dublin resolutions were adopted *unanimously*.

(83.)

The Kilkenny Corporation.

At a meeting of the Kilkenny Corporation the following resolution was passed *unanimously* :—

“ That we consider the scandalous and barbarous treatment of political prisoners under the Coercion Act of Mr. Balfour a great national grievance, as well as degradation, and that the inhuman conduct practised upon some of the truest and best sons of the Irish nation under the Coercion Act calls for our special condemnation, the more so since Thomas Larkin, one of the prisoners under the Act, was done to death in Kilkenny jail.”

The resolutions passed by the Corporations of Ireland fitly bring this pamphlet to a conclusion.

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